

# LEGISLATION ON THE INDOCHINA WAR

---

HEARINGS  
BEFORE THE  
SUBCOMMITTEE ON ASIAN AND  
PACIFIC AFFAIRS  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
NINETY-SECOND CONGRESS  
FIRST SESSION

---

JUNE 22, 23, 24, 29, 30, AND JULY 12, 1971

---

Printed for the use of the Committee on Foreign Affairs

NORTHEASTERN UNIVERSITY SCHOOL of LAW LIBRARY

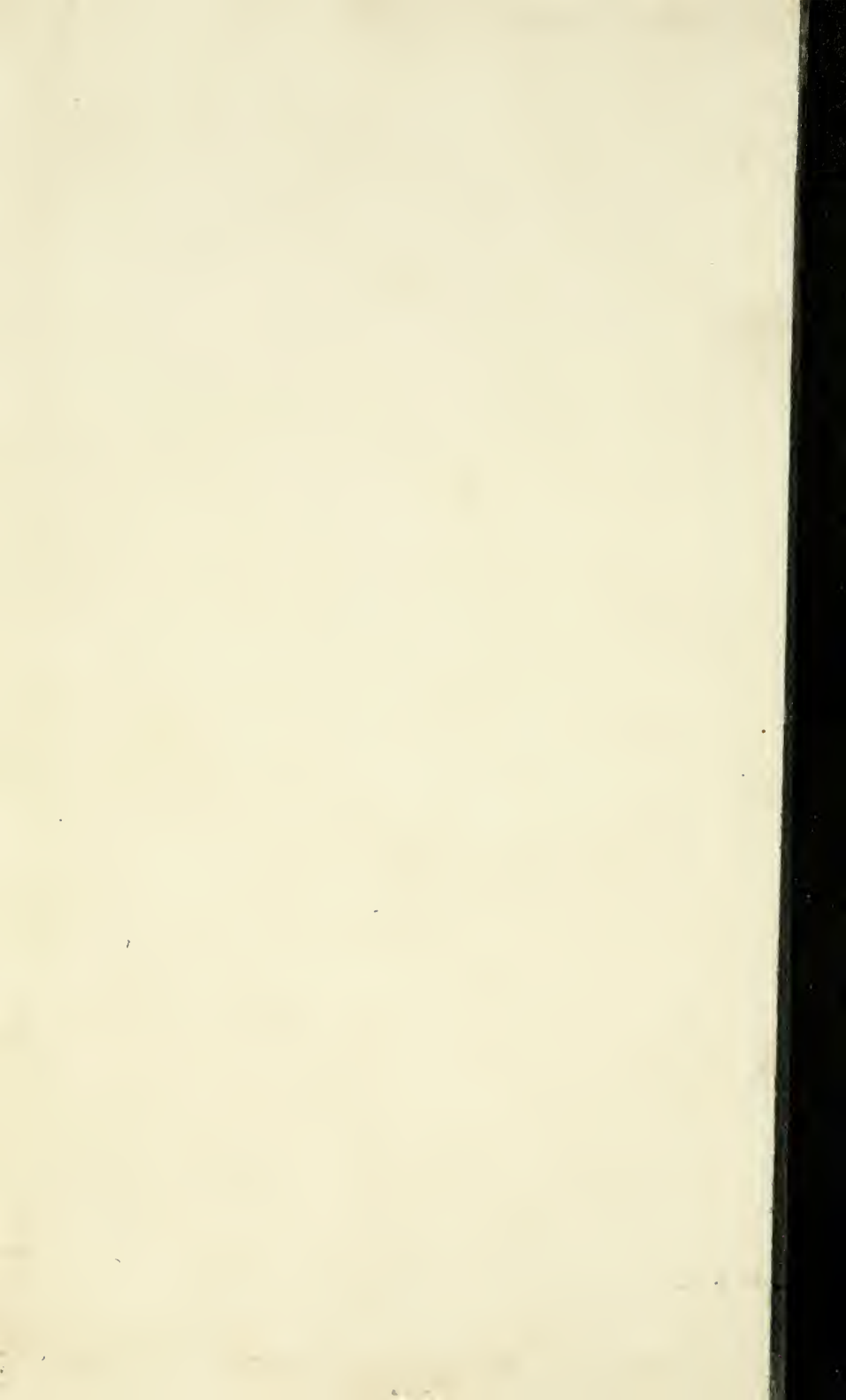


Y 4. F 70/1 . IV 3/6

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1971

6-972

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price \$1.25



# LEGISLATION ON THE INDOCHINA WAR

---

## HEARINGS BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES NINETY-SECOND CONGRESS FIRST SESSION

---

JUNE 22, 23, 24, 29, 30, AND JULY 12, 1971

---

Printed for the use of the Committee on Foreign Affairs

NORTHEASTERN UNIVERSITY SCHOOL of LAW LIBRARY



*y 4. F 70/1 - IV 2/6*

U.S. GOVERNMENT PRINTING OFFICE

65-972

WASHINGTON : 1971

# Northeastern University



## School of Law Library

CLEM  
WAYN  
L. H.  
DANT  
CHAR  
CORN  
ROBE  
JOHN  
DONAL  
BENJA  
JOHN  
LEE H  
ABRAH  
LESTE  
JONAT  
GUS Y  
ROY A  
JOHN  
MORG  
RONAL

fornia  
New Jersey  
Michigan  
vania

ols  
husetts  
asin  
ia

k  
ent

### SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

CORNELIUS E. GALLAGHER, New Jersey, *Chairman*

LEE H. HAMILTON, Indiana  
CHARLES C. DIGGS, Jr., Michigan  
LESTER L. WOLFF, New York  
ABRAHAM KAZEN, Jr., Texas  
JOHN W. DAVIS, Georgia  
MORGAN F. MURPHY, Illinois

WILLIAM S. BROOMFIELD, Michigan  
J. IRVING WHALLEY, Pennsylvania  
VERNON W. THOMSON, Wisconsin  
J. HERBERT BURKE, Florida  
SEYMOUR HALPERN, New York  
PIERRE S. DU PONT, Delaware

CHARLES P. WITTER, *Subcommittee Staff Consultant*  
JEAN BROWN, *Staff Assistant*

(11)

OCT 5 1972



# NORTHEASTERN UNIVERSITY SCHOOL of LAW LIBRARY

## CONTENTS

### LIST OF WITNESSES

	Page
<b>Tuesday, June 22, 1971:</b>	
Dow, Hon. John J., a Representative in Congress from the State of New York	38
McClory, Hon. Robert, a Representative in Congress from the State of Illinois	18
Montgomery, Hon. G. V. (Sonny), a Representative in Congress from the State of Mississippi	39
Rosenthal, Hon. Benjamin S., a Representative in Congress from the State of New York	3
Wolff, Hon. Lester L., a Representative in Congress from the State of New York	26
<b>Wednesday, June 23, 1971:</b>	
Buchanan, Hon. John, a Representative in Congress from the State of Alabama	51
Dow, Hon. John J., a Representative in Congress from the State of New York	45
Matsunaga, Hon. Spark M., a Representative in Congress from the State of Hawaii	87
Robison, Hon. Howard W., a Representative in Congress from the State of New York	66
<b>Thursday, June 24, 1971:</b>	
Abourezk, Hon. James, a Representative in Congress from the State of South Dakota	145
Abzug, Hon. Bella, a Representative in Congress from the State of New York	136
Anderson, Hon. John B., a Representative in Congress from the State of Illinois	120
Leggett, Hon. Robert L., a Representative in Congress from the State of California	91
Pepper, Hon. Claude, a Representative in Congress from the State of Florida	133
<b>Tuesday, June 29, 1971:</b>	
Bingham, Hon. Jonathan B., a Representative in Congress from the State of New York	152
Gibbons, Hon. Sam M., a Representative in Congress from the State of Florida	197
McCloskey, Hon. Paul N., a Representative in Congress from the State of California	163
Ryan, Hon. William F., a Representative in Congress from the State of New York	210
Waldie, Hon. Jerome R., a Representative in Congress from the State of California	206
<b>Wednesday, June 30, 1971:</b>	
Fraser, Hon. Donald M., a Representative in Congress from the State of Minnesota	219
Keith, Hon. Hastings, a Representative in Congress from the State of Massachusetts	228
<b>Monday, July 12, 1971:</b>	
Green, Hon. Marshall, Assistant Secretary for East Asian and Pacific Affairs, Department of State	236

# STATEMENTS SUBMITTED FOR THE RECORD BY MEMBERS OF CONGRESS

Statement of Hon. Brock Adams, a Representative in Congress from the State of Washington.....	261
Statement of Hon. Joseph P. Addabbo, a Representative in Congress from the State of New York.....	266
Statement of Hon. William S. Broomfield, a Representative in Congress from the State of Michigan.....	2
Statement of Hon. O. Clark Fisher, a Representative in Congress from the State of Texas.....	266
Statement of Hon. Joseph E. Karth, a Representative in Congress from the State of Minnesota.....	268
Statement of Hon. Romano L. Mazzoli, a Representative in Congress from the State of Kentucky.....	270
Statement of Hon. Parren J. Mitchell, a Representative in Congress from the State of Maryland.....	271
Statement of Hon. David R. Obey, a Representative in Congress from the State of Wisconsin.....	272
Statement of Hon. Albert H. Quie, a Representative in Congress from the State of Minnesota.....	20
Statement of Hon. John R. Rarick, a Representative in Congress from the State of Louisiana.....	273
Statement of Hon. John G. Schmitz, a Representative in Congress from the State of California.....	275
Statement of Hon. John F. Seiberling, a Representative in Congress from the State of Ohio.....	277
Statement of Hon. Dick Shoup, a Representative in Congress from the State of Montana.....	279
Statement of Hon. Al Ullman, a Representative in Congress from the State of Oregon.....	283

## STATEMENTS AND MEMORANDUMS SUBMITTED FOR THE RECORD

Table submitted by Congressman Rosenthal showing total allied casualties from 1969-March 1971.....	7
Article from the Washington Post entitled "Viet Politicking: U.S. Plane, U.S. Adviser and Thieu's Man".....	26
Letter submitted by Congressman Wolff from Major General Edward G. Lansdale, USAF Ret.....	30
Poll from Opinion Research Corp., Princeton, New Jersey, submitted by Congressman Buchanan.....	52
Article from the Washington Post entitled "VC Would Liquidate 3 Million If It Won, U.S. Expert Contends".....	54
Report submitted to Congressman Buchanan by the Office of the Secretary of Defense concerning Vietnamization.....	56
Remarks of Rev. Theodore M. Hesburgh, C.S.C., President of Notre Dame University.....	62
Statement by member of DRV delegation and DRV press spokesman Nguyen Thanh Le to Congressman Seymour Halpern.....	76
Transcript of Conversation between Congressman Seymour Halpern and Nguyen Thanh Le, DRV delegation.....	79
Statement by PRG deputy spokesman Nguyen Van Tien to Congressman Seymour Halpern.....	82
Transcript of conversation between Congressman Seymour Halpern and Mr. Nguyen Van Tien, PRG delegation.....	83
Transcripts of conversations with representatives of the North Vietnamese and Vietcong submitted by Congressman Leggett, and press release	92
Text of H.R. 317, expressing the sense of the Congress with respect to the proposed "proportional repatriation" plan for obtaining the release of American prisoners held in Southeast Asia.....	105
Article by Representative Robert L. Leggett entitled "How To Bring Them All Home".....	106
Letter addressed to Congressman Leggett from Mrs. Barbara R. Mullen, wife of a prisoner of war in Laos.....	110
Information supplied by Congressman Bingham concerning French resolution on withdrawal from Algeria.....	156

# LEGISLATION ON THE INDOCHINA WAR

---

TUESDAY, JUNE 22, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS.

*Washington, D.C.*

The subcommittee met at 2:45 p.m., in room 2172, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you here this afternoon as the Asian and Pacific Affairs Subcommittee opens the first comprehensive House hearings into bills and resolutions relating to ending the war in Indochina.

Today, we are hearing arguments of national security advanced over the publication of documents relating to the beginning and escalation of our involvement in the region. As important as national security may be, perhaps even more important to America is that the problems of Indochina are threatening our national sanity. Mistrust of our leaders past and present and disgust over the results of our policies are ripping apart the fragile fabric of our society and poisoning much of our national life.

As but one brief example which distresses me immensely this afternoon, the war in Indochina has so clouded our view of Asian affairs that we seem virtually immobilized in the face of the unprecedented human tragedy of East Pakistan.

The purpose of our hearing is not to perform a divisive exercise in name calling or guilt-ascribing over our past Indochina actions. I know of no people, inside or outside of the Congress, who want this war to continue. Who among us wants the killing of either Americans or Asians to continue? We are united in our desire to see our prisoners of war released from their cruel confinement.

So there are areas of agreement and positions around which men of good will can unite.

The question before us is not whether the war should end. The questions we are considering are when the war will end and how best to bring it about. What will the United States leave behind in Indochina as we conclude our combat role?

In light of the recent confirmation of our involvement in the overthrow of the Diem regime which disturbed the existing natural political balance, we created an inescapable moral commitment to the governments in Saigon which have followed. I opposed that decision at the time and we must now ask ourselves hard questions about America's legitimate interest in governments or the personalities in power in Saigon. I believe we must consider whether our current or postcombat policy in Vietnam and in all of Indochina should concern itself with

matters which, in my judgment, stimulated the first fatal steps into the quagmire.

The distinguished chairman of the Committee on Foreign Affairs, the Honorable Thomas E. Morgan, has referred some 70 bills and resolutions to this subcommittee. We intend to begin our considerations with at least 4 days of testimony from Members of Congress. We invited not only those colleagues who are cosponsors of the various legislative proposals, but also those who have not, as yet, affixed their names to congressional initiatives.

We want to hear all views. If there are alternatives to the policies of this administration, let us hear rational debate. If there is a functional role for legislative solutions or legislative assistance, let it be discussed responsibly and with a tolerance of the obvious differences of opinions and attitudes which exist in the Congress and in the country.

I believe that President Nixon has already made the basic decision to end our military role in Indochina. Thus the basic issue at stake in these hearings is whether a fixed date resolution to force a conclusion will have a meaningful effect in carrying out that policy, or whether the reverse is true.

One final word: It is in the spirit of democracy and not in the spirit of dogmatism that I open these hearings today. It is a search for areas of agreement and not the search for cataracts of controversy that is the basic goal of the subcommittee's endeavors.

At this point, I would like to submit for the record a statement by the ranking minority member of the subcommittee, the Honorable William S. Broomfield, of Michigan.

(The statement follows:)

STATEMENT OF HON. WILLIAM S. BROOMFIELD, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF MICHIGAN

I commend the distinguished Chairman for calling these hearings before the Asian and Pacific Affairs Subcommittee, and I offer to him any assistance he may find necessary in their conduct. I believe that, in arranging these discussions, he has done a major service to the House of Representatives, the Congress and the nation as a whole.

By far the dominant impression I have received from my reading of the published accounts of our entry into Vietnam is the feeling that the policy-makers of those years regarded the entire problem as little more than an exercise in cold war strategy—a very important exercise, to be sure, but an exercise nonetheless. It seems that, in their fascination with the unique character of the war in Vietnam, these men were careless of one crucial consideration: that individual Americans would be asked to carry the burden of those strategic objectives and that many thousands of them would lose their lives in the process. There was a common failure of those who govern, but, if Vietnam has taught us anything, it is that such failures can be tolerated no longer; that individual lives cannot be so needlessly sacrificed.

That is the approach I hope will be brought to these hearings. We can consider international strategy or national pride only after we have understood the feelings of those 500 men who will be asked to die in the next six months and those 1,500 men who have already lost years of their lives in enemy prison camps. These men must be foremost in our thoughts; their withdrawal from Vietnam and their release from enemy prisons our sole objective.

Perhaps I have oversimplified the problem, but if that serves to better focus our discussions, I willingly take the risk. There are human lives at stake here: no strategic consideration, whether it be the stabilization of the South Vietnamese regime or the maintenance of American influence around the world, can override that one basic fact.



Mr. GALLAGHER. Our first witness this afternoon is a distinguished member of the Committee on Foreign Affairs, Congressman Rosenthal. Mr. Rosenthal is chairman of the Subcommittee on Europe. He was among the first House Members to speak against our involvement in fighting in Vietnam.

It is a great pleasure to have you with us this afternoon, Mr. Rosenthal. Please proceed.

# STATEMENT OF HON. BENJAMIN S. ROSENTHAL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. ROSENTHAL. Mr. Chairman, I am very grateful for the opportunity you afford me to be the first witness before this very significant series of hearings.

For Members of the House of Representatives, it is a privilege, long delayed, to participate in hearings on the Vietnam war.

American resources have been committed to this war since the early 1950's; American military forces, since the early 1960's. At the peak, in 1969, our country placed over 500,000 American servicemen in South Vietnam. The annual cost to Americans reached \$30 billion a year at that time. A steady stream of American dead and wounded returned home. Yet the House of Representatives begins only today, 10 and 20 years after the decisive commitments, to hold its first public hearings on the war.

As one Congressman who has spent most of the past 10 years in this House, I am ashamed to cite this history. I am ashamed that our sense of priorities placed us in the rear guard of those questioning this war. This accusation is not personal for it is not made against individual men by an individual. Each man in this House has arrived or will arrive at a decision about this war by his own personal calculus. Mine happened to register doubt in 1965 and outright opposition to our role in the war by late 1966. Others came before and many others after. But the mood and spirit of this House has been to allow others to question, to doubt, to criticize, and even to wonder while a war raged. This has been our tragedy.

I commend our chairman who finally brought us to this hearing. I do not think it too late to begin this task. Despair is the sign of the defeated. Rather it is our task, late as it is, to renew the questioning, to reflect on the mood of our constituents, and to bring the House of Representatives to a rightful view of its responsibilities.

This war is the history of a series of blunders, most of them by Western intervenors who failed to understand its nature.

The French, who intervened in 1945 to attempt a reconstruction of their prewar influence in Indochina, made the first series of errors. Nine years later after thousands of Frenchmen died and after the French suffered their most ignoble defeat in battle since 1940, they withdrew. The French eventually recovered their prestige and self-respect; they never recovered their losses nor did we for we financed a large part of the French war in its last years.

It was both more and less forgivable for America to take up the discredited war the French lost. More forgivable, because we thought our motives purer; less forgivable, for we failed to understand why the French lost. We proceeded to repeat their errors.

Our errors are unfortunately not only of the past. We have created a word "Vietnamization" and called it a policy. But it is no policy. It is a crystallization of all that preceded it. Every error of previous American policy lies within Vietnamization.

Let us recall what Vietnamization does not mean: It does not mean that we recognize that we, and the French, intervened in a civil war; it does not mean the war is winding down; it does not mean that we recognize that there is a limit to American power, and that American power, too, should be limited; it does not mean, finally, that we are ready to stop killing Asians for their own good.

Rather, Vietnamization means continued killing, with the United States substituting more Vietnamese deaths for American casualties: the casualty rate for 1969, 1970 and the first 3 months of 1971 show that casualties have not really dropped at all if we count all allied casualties and all enemy casualties.

A continued commitment to maintaining the South Vietnamese Government and its military forces in action cannot bring peace to Vietnam. Nor can it bring an end to American responsibility for continuing the war.

An air war, financed and manned by Americans, is, by every estimate I have seen, an essential part of the policy of Vietnamization. Massive military and economic aid to South Vietnam is another part of that policy. The music is still American for we pay the piper.

One year ago I thought it unbelievable that Congress, and particularly, the House of Representatives, would set a termination date for the war. I was wrong. It is indeed possible today. If it is not possible, I would despair for our country.

The revelations this past week of the documents involving our escalation of the war were serious enough to cause a change in the congressional view that the President alone could lead us out of this war. But the frenzied attack on those disclosures by the present administration must confirm that revised view that Congress must act.

An administration afraid to face the past cannot be trusted with the future. An administration unwilling to disassociate itself from the past, becomes part of those past errors.

I support the December 31, 1971 withdrawal date specified in H.R. 4102 which I sponsored. Prompt action by this committee and the House would mean a 6-month notice to the administration and to the South Vietnamese Government for the termination of our military role in Vietnam. I can think of no other step which will prod the Thien government to the understanding that American props to his unrepresentative government are ending.

Congress must act in this unusual exercise of its powers because the administration shows no determination to take this difficult but absolutely necessary step of ending support for the South Vietnam regime. To the charge that there is no precedent for Congress to demand such action, one must reply that there has been no such war before in our history. We have supported dictators and repressive governments before but never have we committed so many lives—Americans and non-Americans—to such a commitment.

In no other conflict have we presented a policy like Vietnamization which obliges us to keep American military forces engaged until and unless such a regime can succeed on its own. For Vietnamization is

dependent on maintaining in power the unpopular and repressive military government in South Vietnam.

With all of the military influence, President Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 60 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. That election confirmed that the people of South Vietnam want peace and not a continuation, under a slick name, of the war.

I am convinced that the South Vietnamese want a coalition government which will bring them peace. They are unlikely to get it from either Thieu or Ky or from our support of them. Thieu has one political adversary in jail, deputy Taan Ngoc Chau, contrary to two rulings of the South Vietnamese Supreme Court. Thieu's rival for the presidency in 1967, Truong Dinh Dzu, is now in jail. And the new election law for this year's presidential election may have eliminated Vice President Ky and many other candidates from the race. Clearly we will not contribute to peace in Vietnam by supporting Thieu or indeed by supporting any government. The Vietnamese must establish their own political process for obtaining a representative government; Vietnamization pits American power indefinitely to one element in South Vietnam which has shown itself unable to win the allegiance of the people.

A prompt withdrawal of American troops will force President Thieu to start serious negotiations for a responsible settlement and a representative government. Such a government should then send a new negotiating team willing and able to seek a compromise settlement with the NLF.

The cynical attempt by this administration to tie the prisoner of war issue to its Vietnamization policy has already started to deteriorate. Even the families of American POW's, distressed as they are by their personal concerns, are beginning to see the futility to tying their loved ones to a withdrawal schedule. Precedent and common sense indicate that prisoners will be released when the war is over. But every time someone suggests ending the war—including by the resolutions and bills we consider today—the administration's reply is that a viable South Vietnamese Government is the other condition for ending our role in the war.

Waiting for the Thieu-Ky government, or any other government we maintain, to gain viability will mean an indefinite imprisonment of our prisoners. The realization of this fact is slowly eroding the administration's support for Vietnamization as it should.

The American role in Vietnam has, in my judgment, run its course. We have ceased to possess the power to influence the political events there, except negatively. The longer we stay in Vietnam, the more difficult will be the political rebuilding which must be the basis of peace in Southeast Asia.

If Congress was slow in realizing that our country was being drawn into this hopeless whirlpool, it should try now, late as the hour is, to lead us out.

If a mandate ever came to Congress, it arrived in the daily press last week. This American war was made by a series of foolish decisions which are becoming available for all of us to read. The mandate is to change this war policy. Here is the place to do it; the time is now.



Mr. Chairman, I bring your attention to the chart that I have appended to my statement. The next to the last line from the bottom shows total allied casualties from the beginning of 1969 through March 1971. Those figures include the United States, South Vietnamese and third country forces.

One sees that the total casualty rate is quite constant with some increase in February and March 1971. It is indeed a fact that our own casualties, gratefully enough, have been reduced but only by substituting other casualties. There is no step whatsoever toward the road to peace.

(The chart referred to appears on p. 7.)

Mr. GALLAGHER. Thank you, Mr. Rosenthal, for a very well thought out statement. You are known in Congress as one of those who, as far as I can recall, has always opposed the war. There are just one or two questions I would like to ask you. One of the things that troubles a great many people is a point that you develop in your statement. To wait for the Thieu government or any other government to gain viability may indefinitely detain our prisoners. The question really resolves itself on that issue.

The important thing, as many of us see it, is to get out of Vietnam and the aim of our President is to end our combat role in Vietnam. There are some people who seem to put a very high priority on a coalition government in Saigon. Are those two in conflict?

Mr. ROSENTHAL. Let me say this, I put a high priority on peace for Southeast Asia. One has to consider the measures and methods you have to follow to achieve that. The present Saigon government is more disposed to maintain itself in office than to achieve a peace. Thus, I concluded years ago that there would have to be some change in government. Call it a coalition government, call it a more representative government, call it a different kind of government, but we need a government that indicates its willingness to negotiate a peace.

Once the United States announced a firm and fixed date for withdrawal of all American forces—land, sea, and air—the present South Vietnamese Government would make such changes in its internal structure and attitude that would tend to permit it to negotiate a peace.

The POW issue is a subsidiary one, but of great importance for all Americans. In most past wars, prisoners have not been exchanged until there has been a termination of the hostilities and frequently until there has been a contractual arrangement terminating the conflict. But I am willing to accept the view that this is an unusual event, the circumstances surrounding the keeping and maintaining of the prisoners have been somewhat unusual, so I am willing to violate traditional rules on behalf of our POW's.

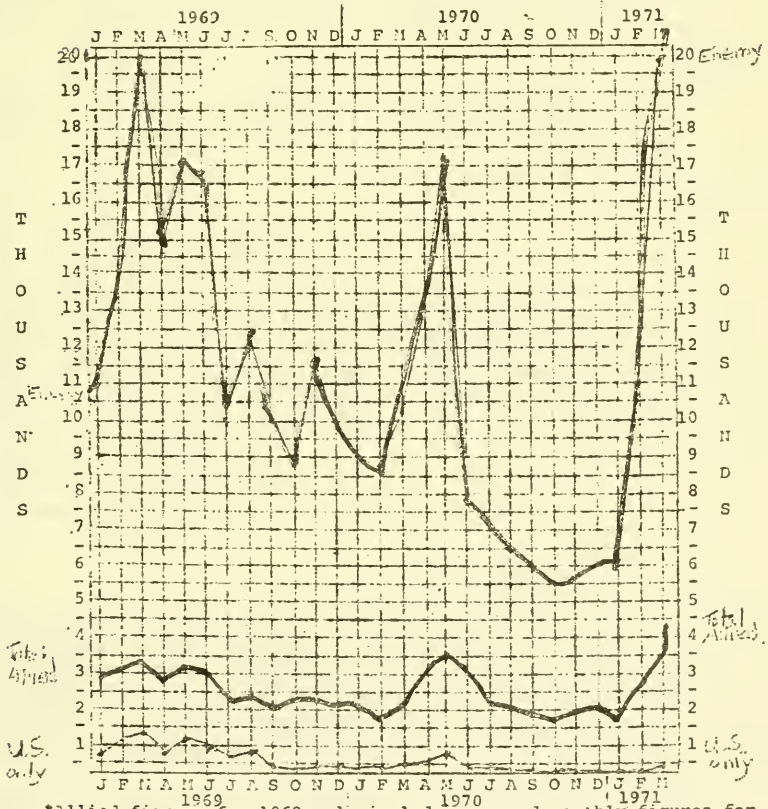
I am sure Mr. Wolff can speak for himself and will at some time during these meetings, but he and I did visit on April 24, the North Vietnamese negotiating team in Paris with the approval and knowledge of Ambassador Bruce. They said to us as I think they said to Congressman Halpern 3 or 4 days later, and to Congressman Leggett some weeks later, that once the United States announced a reasonable fixed date of withdrawal—and by reasonable they meant not sometime in 1975, but a reasonable period of months—they would definitely begin discussions for the logistical release of American POW's. They said that meant not that there was any question that the POW's would



## HOSTILE ACTION DEATHS IN VIETNAM: 1969-71.

1969	ALLIED *	ENEMY	U.S. ONLY	1970	ALLIED	ENEMY	U.S. ONLY
JAN....	2845	10,955	795	JAN....	2180	9,187	343
FEB....	3132	14,086	1073	FEB....	1039	8,828	385
MAR....	3380	19,805	1316	MAR....	2198	10,335	449
APR....	2841	14,539	847	APR....	3247	13,063	526
MAY....	3243	17,443	1209	MAY....	3663	17,256	754
JUN....	3117	16,825	1100	JUN....	3354	7,861	418
JUL....	2242	10,237	638	JUL....	2114	7,183	332
AUG....	2409	12,373	795	AUG....	2100	6,446	319
SEP....	2077	10,369	477	SEP....	1999	6,138	219
OCT....	2277	8,747	377	OCT....	1718	5,549	170
NOV....	2328	11,639	445	NOV....	1834	5,607	167
DEC....	2217	9,936	341	DEC....	2053	6,183	138

1971	ALLIED	ENEMY	U.S. ONLY
JAN....	1780	6,155	140
FEB....	2704	11,704	221
MAR....	3829	19,858	272



\*Allied figures for 1969 only include averaged monthly figures for South Vietnamese based on quarterly totals.

--Data obtained June 21, 1971  
from Defense Department

be released but that the POW's would be released virtually forthwith, and that the only thing intervening between the actual flying away from North Vietnam and the announcement of a fixed date was a discussion on the logistics of removal.

Mr. GALLAGHER. Mr. Rosenthal, we are all skilled in hindsight and have the benefit of analyzing the ballgame being played on Sunday. I look back myself. I read yesterday about the proposals for the bombing halt when President Johnson questioned the intent when we responded to public opinion to halt the bombing of North Vietnam.

But I recall that before he put the bombing halt into effect, there were many people who had reported feelers. Eight or nine Senators had messages conveyed to them that if certain things happened, that if the bombing was halted, a specific kind of movement would happen and the signals would grow stronger: we would find ways to peace.

The obvious difficulty then became that none of those signals were meaningful. As you recall, the President did send Ambassadors throughout the world in those 37 days to see whether or not any of those signals was, in fact, real so the bombing could have been halted permanently.

Mr. ROSENTHAL. You will recall, Mr. Chairman, that the announcement of those bombing halts were also replete with threats of further escalation of the bombing if the other side did not respond to our conditions. A, B, and C.

Mr. GALLAGHER. I might say this was the 37 days without prior conditions.

Mr. ROSENTHAL. I remember the President's announcement quite clearly and quite specifically. He said that if they didn't respond and didn't deal on the conditions that we chose that we would respond with a higher level of bombing and a higher level of military participation.

The point I want to make, Mr. Chairman, is that it is very difficult to negotiate with nations, as with individuals, if you say to them: Now I am going to let you have a week to straighten this out, but if you don't straighten this out in the time that I have specified, things are going to be a lot worse for you. You can't deal either with individuals or nations in an atmosphere of future threats. I suspect that is one of the reasons that those hoped-for negotiations never took place.

Mr. WOLFF. Will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. WOLFF. One of the points that was made by Ambassador Harriman was that there was a response to the original recommendation on halting of bombing. He indicated that there was a withdrawal made at that time by the North Vietnamese forces from the DMZ and that this was a very definite response to the proposition that was offered on the halting of the bombing. He made note on this in testimony before the full committee.

Mr. GALLAGHER. I thank the gentleman. I will make one other observation. I find it very difficult to see how the United States could disengage, in view of our past experience, if there is not a viable government which allows us to make that military move to get out.

Mr. ROSENTHAL. That depends on the assumption that there is a viable government. There is not a viable government by my sense of what democracy and history means.

Mr. GALLAGHER. I am not talking about democracy, I am talking about a government in existence which will allow us to remove ourselves, regardless of how democratic it may be. I recall the time when the argument was made for not getting the United States out of Vietnam, it was to get Diem out of Vietnam. Now we may again disturb the balance with fellows like Minh and others we subsequently supported who obviously could only govern by an increase of American troops. Many members of this committee, I recall, violently objected to that in those days. I am troubled as we try to find a way out, whether or not we ought to be more concerned with getting out than with the kind of government which remains there.

Mr. ROSENTHAL. As long as we continue to support the present government, our goal of getting out is replete with obstacles. It just simply won't work. I suspect that the administration wants to keep the status quo, psychologically and with Congress, until after the elections in October in Vietnam. Assuming that government is re-elected, it might make it a little more graceful for our exit.

But you will never get peace in South Vietnam, which is really one of the considerations we ought to have after the enormous investment that we have made both in lives and treasure.

Mr. GALLAGHER. Mr. Rosenthal, we don't disagree on very many things, but I think we disagree on the point that a viable coalition government and peace go together. On the basis of the Diem experience, it seems to me we were far more interested in having a broad-based less repressive kind of government in Vietnam than the one which existed there at that time.

Of course, instead of advocating that kind of policy, we assumed a moral commitment to make a new broad-based government function. We had Little Minh and Big Minh and all that followed—the escalation, the American troops, and the bombing of Vietnam—just to keep those governments in existence. That troubles me and I hope is clarified during this hearing. What is our prime responsibility? It would seem to me that our prime responsibility now that we have, is to find a way out of Vietnam, to get American soldiers out of Vietnam as quickly as possible.

Mr. ROSENTHAL. I think our prime responsibility is to the United States of America and to our own people. The way to achieve that end and the return of American prisoners of war, is to fashion this rather unusual congressional mandate to fix a date: to say that Congress will no longer support American military involvement in Southeast Asia. The result of that, in my judgment, will be an easing of the attitude of the present Government, including perhaps taking in some other elements in that Government, so that they will be in a better negotiating stance with the North Vietnamese and the NLF.

Mr. GALLAGHER. Mr. Broomfield.

Mr. BROOMFIELD. First of all, I think it should be made very clear that there is no doubt that President Nixon is getting us out of the war. I think it is wrong to make the implication that the President hasn't done a tremendous job in reducing the heavy commitment he assumed when he took over the Presidency. Now I find your statement putting great reliance on the assumption that the North Vietnamese will automatically release our prisoners, once we set a withdrawal date. I am sure you listened to the debate the other day when

the resolution was before the House for consideration of a withdrawal date. The charge was made that there still are between 20,000 and 26,000 Frenchmen held prisoner in North Vietnam. What makes you think the North Vietnamese will treat the Americans differently. They haven't lived up to the Geneva accords, as far as treatment of war prisoners is concerned. We don't even know who exactly is being held prisoner in North Vietnam.

They haven't even allowed mail to get in. I am deeply concerned by all of this. Let me just point out one more thing, and then I would like to hear your comments. If we could get agreement from North Vietnam to release our prisoners, I am for getting out even sooner than the designated date. But I think we ought to get some concession. I am not willing to abandon these men in North Vietnam.

How do you feel about it?

Mr. ROSENTHAL. I think we are in fact, abandoning them by saying, "If you release the POW's, then we will get out." They say, "If you announce a date, then we will release the POW's." Somebody has to act more maturely about this. Much more could have been done on their part in terms of treatment of the POW's. That is not under discussion here.

Why would they release the POW's if we set a withdrawal date? The simple reason is that it is in their interest to do this. It is in their interest to end this and to terminate the conflagration. They, too, have paid a heavy burden, and they are tired of it. They are not going to give up, and you know why: because it is their country.

If the situation were reversed, you know you would fight until the last man on your own territory; and they know, as indeed I do, that it is not in the national interest of the United States to maintain our position over there.

As far as President Nixon is concerned, I hope my statement would not be considered partisan, because my criticism of previous administrations is pretty heavy. As the gentleman from Michigan knows well, I have never hesitated to criticize a President when he was a member of my own party.

But if these hearings are going to be meaningful, I think we have to lay all the cards on the table. The President, during the presidential campaign, did say he had a plan for peace. Many Americans supported him based on that representation. It now looks like there will not be peace during this first term of office, and that there will still be Americans in Vietnam at the conclusion of his first term of office.

In my judgment, very frankly, that is inconsistent with an announced plan for peace. If the President had a plan for peace such as General Eisenhower had when he went to Korea, he is still keeping it a secret from the rest of us.

If he would only be more forthright and have laid it on the table and said these are the conditions, it might have made many of us willing to wait some months or some years. The war still drags on, there are still American boys being killed, and the POW's are still present there.

I don't mean to suggest that all good and righteousness are on our side or on their side. For one reason or another, previous administrations and this administration have become bogged down in the mores of Vietnam politics and history. Congress has an opportunity unique



in 200 years to participate in the rescuing of the American heritage and tradition by ending this war.

The war will not end under the plan the President is following to this day. He had still not announced to the American people a time and date of termination of the American participation in Southeast Asia.

Mr. BROOMFIELD. I think we all agree the war has to end as soon as possible. As the chairman said earlier, there is no question that the President wants this over just as quickly as you and I do. But I can't quite understand your logic that all the concessions have to be on the part of the United States. We are talking about taking all of our troops out of South Vietnam; we don't say anything about the North Vietnamese taking their troops out of South Vietnam. It seems like the concessions are all one way. What would be wrong in having the North Vietnamese return our prisoners to a neutral country, not return them to the United States but at least get them out of Vietnam? Isn't that a reasonable proposal?

Mr. ROSENTHAL. That is a proposal many people have made; I would be delighted if that could be achieved. My judgment of what the pragmatical possibilities are, rightly or wrongly, is that it is not an achievable objective. It cannot be done.

If we announce that we would be totally withdrawn from South Vietnam and surrounding territories by the end of this year, or even July of next year, we would have those prisoners of war back in the United States in less than 30 days.

Mr. BROOMFIELD. What makes you think we will have Americans in Vietnam on July 4 of next year at the present rate of withdrawal?

Mr. ROSENTHAL. My judgment is that we will still have American military men there.

Mr. BROOMFIELD. That doesn't answer the question. I mean with the present withdrawal program pulling out 12,000 to 15,000 per month how many are we going to have left by July 4?

Mr. ROSENTHAL. Based on the past timetable, I would gather 60,000 to 80,000 by next July 4, which means a high risk value. Leaving that many Americans there, subject to situations that could be provocative is very risky, and very, very dangerous.

Mr. BROOMFIELD. I think you certainly have made a very fine presentation and I think it is consistent with what I have known to be your policy over the years.

Mr. ROSENTHAL. Part of my objective is to persuade some of my colleagues who have not felt the same way I do. Let me go back in history if I might for a moment.

In 1965, I heard Gen. Matthew Ridgway say that we could not succeed in Vietnam. He said there are two tests you make for intervention, do you remember?

One—is it in the national interest? and two, and these are his words, “Is it manageable?” It was his view, as it is my view today that, there could be a debate on whether it might have been in the national interest to intervene. I don't think so but maybe he did and others. But it was also his view in 1965, that we could not succeed there at a price the American people would be willing to pay including the risk of either Russian or Chinese intervention.

So General Ridgway came down against the decision for any kind of intervention in 1965. Another fellow I met within early 1965, who

has now passed to greater reward, is Bernard Fall, a very well-known French military historian who had spent 15 years there.

We met in a little room. I remember Sam Stratton was there. We were a mixed bag of colleagues at the time. Bernie Fall said you cannot succeed over there. This is a civil war. They will fight for the last inch and last man. He outlined the French disaster over there and it was his view as a military historian that no military effort could be successful.

Now these were two men who understood the terrain and the military prospects there. This is frankly what convinced me in 1963 and I would hope that the sad prognosis that they espoused in 1965, which regrettably has all come to pass, would influence some of my colleagues today in saying enough is too much.

Mr. BROOMFIELD. I would like to say this, it would be nice if we could turn the clock back. I would like to go back to the earlier days of 1963 and 1964 when we had our hearings and what we were told about the Bay of Pigs. I think that would make very interesting reading, too.

But you know hindsight is always nice. But the point is how do we get out now the quickest way and the best way and I think these hearings will be very useful in determining that.

Mr. GALLAGHER. Mr. Wolff. Thank you.

Mr. WOLFF. Thank you, Mr. Chairman. First, I want to compliment you for calling these hearings and secondly I would like to compliment my colleague for an excellent presentation. I would like to comment for a moment on some of the statements that have been made. First of all I think we ought to go back to Douglas MacArthur who said, "Never fight a land war in Asia, no man in his right mind would advocate sending ground forces into Asia."

Mr. GALLAGHER. George Washington said, "Don't get in any entangling alliances."

Mr. WOLFF. However, this is directly related to the specific problem that is involved. I would like to comment as well on the question of the viability of South Vietnamese Government. I want to concur with the statement made by my colleague relative to the viability of American Government. I think it is much more important that we have a viable America than we have a viable South Vietnam. As much as I like the South Vietnamese, I like the Americans a lot better and in building a stronger America I would like to quote again from someone who has not been known to be on the side of the doves. His name is Charles B. McCoy, president of E. I. du Pont who said, "the Vietnam war is tearing at the whole fabric of our country, political and economic life. It is hard to see how we can apply adequate resources to domestic needs and restore a feeling of national unity until we reach a settlement of this conflict in Southeast Asia."

It is quite obvious that what is involved is the economic viability of this Nation.

Going to another point that was made relative to the withdrawal of our troops, I would like to comment on the fact that Mr. Rosenthal has indicated that we have about 280,000 troops left and that no one knows the exact number. The fact is that Senator Goldwater stated in March of 1970, "Personally, I would not want to be among the last 100,000 left over there in Vietnam."

Now I think that it is much safer to withdraw our troops today when we do have the amount of power that we do, than to leave us diluted as we would be when we are down to some 50,000 troops.

Mr. Rosenthal, you, I take it, were in Congress at the time of the Tonkin Gulf resolution? I take it you, among other members, voted for the Tonkin Gulf resolution? Had you had the information that is available today from outside sources do you think you would have voted for this resolution?

Mr. ROSENTHAL. That reminds me of my law school days: that is what is known as a leading question which the judge would usually rule out of order.

You know the answer to that. The answer is obvious. I would not and I suspect many, many Members of Congress would not, relying on the rule in law known as a mutual mistake of fact. I don't know what kind of wording I can discretely use. We were misled. We were deceived. We were not told the facts. The stories in the first 3 days in the New York Times series indicates that there was an awful lot of official U.S. involvement in the Gulf of Tonkin.

I know time does not permit an exposition of that subject. But I certainly would not have voted for it if I had those facts.

Mr. WOLFF. As a member of the Foreign Affairs Committee, were you made privy to any of the facts that have been revealed in the papers in recent days?

Mr. ROSENTHAL. Absolutely not.

Mr. WOLFF. I thank the gentleman. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman. Mr. Rosenthal, I have questions in two different areas and let us take first the question of negotiations. It is very easy to go to Paris and to talk to the North Vietnamese and large numbers of Congressmen have done it. Mr. Leggett has most recently and all the Congressmen who have done it seem to come home kind of with the feeling that they have the magic solution. You commented that you had talked with the North Vietnamese and they had assured you that this and that would take place and so forth.

These things never seem to be confirmed by our official negotiations. Do you suggest that when you talked to the North Vietnamese that you got a truer or more believable reading on them than our official negotiators could have?

Mr. ROSENTHAL. This is a question that we asked ourselves. It is quite a proper question. Why should they tell us something they would not tell our Government either openly or privately? We asked Ambassador Harriman and Ambassador Bruce that. We asked many people. The basic conclusion that I came to, which was also given in response to Mr. Broomfield, is that it is in their interest to terminate the conflict and they would do these things. Going more specifically to your question, from what we learned in Paris not only speaking to them but to all of our own people in the Embassy the Paris meetings are nothing more than a reading of statements.

One might label them propaganda, one might label them positions. They never get to a legitimate discussion. They never get to an informal bargaining atmosphere. Will you do this if I do this. That has never happened. There is just a constant rhetoric that goes on. Its al-



ways the same thing. I don't think it is anybody else's fault. as such, the negotiations have become a burden.

They are so formalized. They are almost unrealistic as to how you accomplish anything. Individual Members of Congress could get down to a hard-nosed and even unfriendly question and answer period where brother Wolff and I were raising our voices in a highly undiplomatic fashion.

All the questions Mr. Broomfield put to me we put to them in a very vigorous fashion. I think that the give and take of an informal question period gave us more insight into what they would do. If we do this, will you do this?

In other words, you really ask if we were taken in? Were we deceived? We are pretty big boys. All four of us and even the fifth one, Senator Hartke, have been there. We know that they would not tell us something outrageously untrue or outrageously true, they would tell us something that was in their interest.

They knew we would come back and make these statements. They knew when we left them we would go back to the American Embassy and dictate a long memorandum of what took place. They knew all this.

MR. DU PONT. What you are suggesting, Mr. Rosenthal, is exactly the question I asked. You are suggesting that as a result of the informal contact that you are indeed getting a better reading than our negotiators?

MR. ROSENTHAL. I think that is true.

MR. DU PONT. My conclusion is directly opposite to yours. I think you are getting propagandized. You are being useful to them and they respond by propagandizing a couple of Members of Congress who have come along and take the message back home.

MR. ROSENTHAL. But see how easy it is to test these fellows. We say all American troops will be withdrawn by December 31, contingent on the return of American POW's 2 weeks from today. If they are not on a plane 2 weeks from today all bets are off. Then the ball is on the other side of the tennis court. Then what are they going to do? We give up nothing.

MR. DU PONT. Mr. Rosenthal, perhaps you possess the magic powers that I don't, but if I were to go to Paris and talk I would not feel that I was getting as good a story as our official negotiators are because I would not be an official negotiator.

MR. ROSENTHAL. You really can't say that until you have been there. Let me repeat what I just said. We make the announcements of troop withdrawal. If they don't deliver the POW's, no deal.

MR. DU PONT. I wish I had the confidence that you apparently have. I would like to move to another area before the gavel is smashed down on my time. That is the question of possible withdrawal plans for Southeast Asia. You have been very critical in your testimony about the present government, the feeling is that it is not responsive, and not representative. Do you oppose continued aid, both economic and/or military, to South Vietnam after our troops are withdrawn and does the granting of that aid in any way in your mind depend on what government might be in power there?

MR. ROSENTHAL. Not necessarily. I do think that after the role we have played in the destruction of that land we have some respon-



sibility to help rebuild that land. Frankly, I think that kind of aid situation can be tied in with peace talks and can be part of the whole big picture. I think we could use our aid as kind of a leverage in developing a viable peace there. I suspect that all of the people of Vietnam want peace. Most people don't want to live in war-torn conditions.

Sometimes I think any government stands in the way of the real goals of the people around this earth. So I think aid could be a useful thing and I think it could be an integral element of the peace talks and negotiations.

MR. DU PONT. Does that aid depend, in your view, on what government might be in power? Would you be equally willing to supply aid were it a coalition government, a totally Communist government or a Fascist government in South Vietnam?

MR. ROSENTHAL. I would think that my inclination is to supply aid to Vietnam and I am not prepared to speculate what kind of government will come out of there. You know I would like to have a government that is my style of government if I had a free choice.

I didn't have a free choice in Czechoslovakia which I felt was a very sad day in world history. I may not have a choice as to what kind of government is there. I am willing to live, frankly, with whatever government the people of South Vietnam choose for themselves in legitimate elections.

MR. DU PONT. But if the Ky-Thieu government or the Thieu-Ky government were elected in legitimate elections would you be willing to continue aid to that government?

MR. ROSENTHAL. Yes.

MR. GALLAGHER. Mr. Halpern?

MR. HALPERN. Thank you, Mr. Chairman.

First I wish to compliment the chairman for holding these hearings which I believe provide a much needed, long overdue and certainly a healthy dialog on the most pressing issue facing our Nation today.

I also wish to commend our very distinguished and able gentleman on his superb testimony.

Our leadoff witness, Mr. Chairman, the enormously capable gentleman from New York, from the district adjacent to my own, has been a pioneer, a pillar of strength in the West for peace.

His credentials, to bring testimony to this subcommittee, are unequalled in this House. I would like to pursue, if I might, a point raised by our distinguished colleague, Mr. du Pont, and ask the witness, isn't it a question of diplomatic strategy, strategy on the part of both sides, that at the table both sides take rigid stands? I am talking at the peace talk tables, awaiting the other side to make the first move and so forth and so on.

Now the purpose of talking to us, I believe, was to extend the signal to open the door, to make their position clear that they will release the prisoners once an appropriate withdrawal date was established, knowing we would go back and report our findings and anticipate that our negotiators would pick it up from there. Isn't that a fact?

MR. ROSENTHAL. That is absolutely a fact.

MR. HALPERN. I certainly want to associate my own views with those expressed by our witness and I wish to commend him on his eloquent presentation.

He has argued a good case, Mr. Chairman, and I have no questions to ask him.

Mr. ROOSENTAL. The point I would like to make reminds me of my days in the Queens County Supreme Court where we tried a lot of cases. Frequently a lawyer would come in on a negligence case and he would say I want \$100,000 and I won't take a nickel less. The lawyer for the defendant would say I will pay \$10,000 and that is all the company will pay.

And the judge would say, go out and somewhere out in the corner would come Alvin du Pont and he would say: "I am a friend of both of you fellows." He would get a meeting going. He would say to one guy, "Would you take \$35,000" and he would say, "Well if it was in hard cash, I might."

And he would go to the other fellow and say, "Would you pay \$35,000." "Well, if I could get a signed release, I might." At that point, this third party, Mr. Al du Pont, who had no status in negotiation whatsoever, who was not even a party to these proceedings, did an enormous public service. Both sides went back in court and they were delighted that this third fellow came in that afternoon and settled a very difficult situation.

Sometimes governmental negotiators, representatives of government, simply can't together take that step, because of the embarrassment and difficulties.

One point I got out of the North Vietnamese, from a nation of 15 million, is that they have a psychological problem dealing with the United States, a nation of 210 million. Here is this little nation, and this big nation, and they are trying to maintain their own dignity and equality among nations. It is very difficult to negotiate in that situation.

So what the big fellow has to do, sometimes, is to be a little easier than he would if he were really dealing with an equal.

Mr. DU PONT. Would the gentleman yield?

Mr. HALPERN. I will be pleased to yield.

Mr. DU PONT. Mr. Rosenthal, my namesakes seem to keep coming into this testimony from all sides here. But the difference between your little analogy and the present situation is that Al du Pont in the Queens Court House in New York was an independent third party.

You as a traveling Congressman to Paris, are not, by any stretch of the imagination, an independent third party, you are part of the negotiating party team, you are part of the same government that is at the table.

I think instead of a true third party situation you have in effect a whipsaw situation.

Mr. HALPERN. If I may add, I think it is significant to note a statement you made earlier and that is that these visits not only have had the blessings but also the encouragement of our negotiators at the Paris talks.

Mr. ROSENTAL. That, too, is a fact.

Mr. HALPERN. I have no further questions.

Mr. GALLAGHER. Mr. Walley?

Mr. WALLEY. Thank you, Mr. Chairman.

Mr. Congressman, I am certainly glad to see you here today. I want to thank our chairman for holding this series of meetings.

The newspapers the past few days have been telling us some of the things that have happened in the past and, of course, we have hindsight now to know some of the things that have gone about this U.S. entry.

I think all of us are just as anxious to bring all of our boys home just as quickly as possible. It is interesting to note that in 1954 the French were defeated and President Eisenhower was asked to send U.S. troops to replace the French and on the advice of General Ridgeway, refused.

It is true that President Eisenhower did have 600 U.S. advisers in Vietnam when he left office. President Kennedy thought it best to escalate so he increased the U.S. forces 30 times.

President Johnson believed it necessary to send more U.S. troops so he escalated apparently 30 times, 30 times 18,000 to 540,000.

Now when President Nixon took office he was asked by General Westmoreland for 200,000 more troops. But he rejected it but started to bring boys home.

To date, 300,000 boys have been brought home and currently he is bringing home 19,000 a month.

Now they claim it will be 131,000 U.S. boys in Vietnam by December 1. But some people claim that after the October 3 elections that maybe President Nixon's request might greatly accelerate.

President Nixon has been very firm that the U.S. prisoners of war must be protected.

Now it would seem to me that if Vietnam was really smart they would release U.S. prisoners immediately which would practically enable President Nixon to bring our troops home and turn the war over to the Vietnamese.

I don't know too much about this business, the administration has had information that we haven't had, but I think all of us are just as hopeful as you are that we get out of this war just as quickly as possible even though the fatalities have been dropped from about 500 to 600 a week to about an average of 25, 35 a week now, even one is too many.

I think we should all work together and stop criticizing, try to work together and do the best job we know how and get out of Vietnam just as quickly as we can.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you, Mr. Walley.

Thank you very much, Mr. Rosenthal.

Mr. ROSENTHAL. Thank you very much, Mr. Chairman. I am enormously grateful to you for holding these hearings. I think you deserve great credit. Congress and the House is in your debt for doing it.

I also would like to suggest this, that you really take a careful, slow, deliberate look at the past, and at what Congress can do.

I think that this subcommittee has the chance to make genuine history that will go down in the books for a long period of time and to do it on the side of decency and justice and fairness and equity to every one.

I would hope that with all deliberate speed you achieve a goal of making a congressional contribution to terminate the longest war that the United States has ever been involved in.



Mr. GALLAGHER. Thank you, Congressman Rosenthal, for your fine contribution here today.

Our next witness is Congressman Robert McClory, Republican of Illinois.

He was first elected to Congress in 1962 and appointed to the Committee on the Judiciary. Congressman McClory is the primary sponsor of House Concurrent Resolution 334 and we will be pleased to hear you testify on the resolution at this time.

I might say to the other members that are here, that we apologize for the delay. We will try to speed it along.

We welcome you here.

### STATEMENT OF HON. ROBERT MCCLORY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. MCCLORY. Mr. Chairman, may I make an inquiry?

I note that the proceedings are being recorded and I assume that is with your permission. I would like to have the agency or the individual identified so I would know who was making the record.

Mr. GALLAGHER. Who is recording? That is in violation of the rules.

AN INDIVIDUAL. AS I walked in I asked the man at the door and he said it wasn't.

Mr. GALLAGHER. It is a violation of the rules and I ask you to stop.

Mr. MCCLORY. I might say that I am in strong support of the right of privacy, and I am particularly opposed to private eavesdropping. That is why I made the inquiry.

Mr. GALLAGHER. I agree with you.

Mr. MCCLORY. I greatly appreciate this opportunity to appear before you to testify on behalf of House Concurrent Resolution 334 on which 20 of our colleagues have joined with the hope of providing some impetus for our President and negotiators in Paris to bring an early and complete termination of our military involvement in South Vietnam.

These hearings are very timely. Mr. Chairman. We have just concluded debate on several attempts to cut off funds for American troops in Indochina after the end of this calendar year.

In discussing the Nedzi-Whalen and other such amendments, I stated my opinion that while Congress shares responsibility for finding ways to end this tragic war, it is preferable at this time to meet the problem directly and deliberately.

Mr. Chairman, House Concurrent Resolution 334 provides for withdrawal of American forces from South Vietnam by November 30, 1971. It expresses our opinion that American involvement in Vietnam can indeed be ended before Christmas of this year, and that in order to bring this about, three preconditions must be met.

First, it goes without saying that a cease-fire is a sine qua non to the ending of any form of hostilities.

Second, by agreeing to withdraw all U.S. forces by November, we might hope to convince the Government of North Vietnam to release all American prisoners by September 1.

I am not persuaded that precedent is on the side of those who insist that all military involvement must cease before prisoners of war can be returned. As a matter of fact, history has shown that in previous

conflicts involving American forces prisoners of war have, in fact, been exchanged while the hostilities have gone on.

Furthermore, what better way for North Vietnam to insure that all American forces depart on schedule than by returning those prisoners we are morally obligated to redeem.

Third, Mr. Chairman, in view of the fact that many people throughout the world would have the President of the United States name the date by which all American forces will be withdrawn, it seemed reasonable to me to suggest that all other belligerents—North Vietnam included—likewise agree to withdraw their troops by the same date. It goes without saying that the greatest burden would be on the United States from the sheer force of logistics.

Section 2 of House Concurrent Resolution 334 expresses the sense of Congress that, once all prisoners have been returned, all U.S. forces are to withdraw to the perimeters of those cities and military installations to be designated by the President. The purpose of this proviso is to establish a withdrawal cease-fire—in contrast to an in-place cease-fire. Furthermore, also, it is intended to avoid cease-fire violations. This confinement to certain specified enclaves would also demonstrate our good faith and our sincere intention to remove American forces from combat in South Vietnam.

In section 3, my cosponsors and I are suggesting that many of the substantive questions which are an inevitable outgrowth of this war should be referred to the United Nations. I would emphasize, however, that by passing this resolution Congress would only be expressing its corporate opinion that such a disposition of responsibility would be desirable.

Also, Mr. Chairman, it is important to note that section 4 of House Concurrent Resolution 334 is merely a restatement of a constitutional truth that the President's duties as Commander-in-Chief and his power to make treaties with the advice and consent of the Senate cannot be abridged.

Mr. Chairman, to be totally withdrawn from South Vietnam by the end of November would certainly be a monumental task, but I am convinced that such speedy withdrawal from that bloody conflict is within the realm of possibility.

Mr. Chairman, one of the revealing disclosures to come out of the recent printing of classified documents relating to the war in Southeast Asia was the ranking of American objectives in that part of the world. First, on the list was the assertion by an Assistant Secretary of Defense that our goal was "70 percent—to avoid a humiliating U.S. defeat." Mr. Chairman, I was not aware that this was so, but now that it has been made public I am powerfully convinced that we have more than fulfilled our obligation.

Mr. Chairman and fellow colleagues, it is my opinion that a nation as great as America might better survive a humiliating defeat than a shameful victory; however, my cosponsors and I are not suggesting that we subject ourselves to a humiliating defeat. We are saying, though, that to continue this war with all the military might it would take to win it would lead to a shameful victory—and we cannot stand that.

In order for the people of South Vietnam to remain independent of the tyranny and inhumanity of a Communist dictatorship, the people of South Vietnam—themselves—will have to win the victory.

It is my hope and expectation that South Vietnam will, indeed, continue the struggle to remain free of those who would oppress and subjugate her.

Mr. Chairman, the American people are a peace-loving people, and they have become offended by this war which has cost so many human lives and shattered so many more. Therefore, I ask you to report favorably on House Concurrent Resolution 334, and thereby lend the authority of your voices to the proposition that this war has persisted long enough, and that the provisions of this measure offer a reasonable, honorable and possible method for effecting a final termination of U.S. military involvement in the Vietnam war.

Mr. Chairman, I ask unanimous consent that at this point in the record, the statement of the Honorable Albert H. Quie, Representative from the First District of Minnesota may be inserted.

Mr. GALLAGHER. Without objection that will be done. Thank you very much, Mr. McClory.

(The statement referred to follows:)

STATEMENT OF HON. ALBERT H. QUIE, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF MINNESOTA

Mr. Chairman, I am happy to submit a statement on behalf of H. Con. Res. 334 which proposes a November 30, 1971, date for total withdrawal from South Vietnam provided that three conditions are met which are of the utmost importance to the complete resolution of the Vietnam war and the future peace of the whole of Indochina.

Many people of my home district have written to me and spoken to me of their great anxiety with regard to the unending duration of this war in South Vietnam. The people of my district and this nation want Congress to act to help bring this war to an early end.

Mr. Chairman, this resolution is designed so that it does not remove incentives for Hanoi to negotiate seriously; it does not tie the President's hands; it does not eclipse the possibilities of a favorable outcome in Vietnam; and it should not imperil the future of the South Vietnamese government or state.

The importance of this resolution is not just in the fact that it provides a sense of Congress which will coalesce public sentiment divided over the issue of the Vietnam war, but in the fact that it allows the Congress to unite with the President for the one purpose of ending the Vietnam war swiftly, justly, and safely.

The President has announced his intention to end the Vietnam war at the earliest possible date, and he has been working toward this goal. From a troop level of 543,000 men when he took office, President Nixon will have reduced American troop numbers in Vietnam to 184,000 by December 1 of this year. And he has continued this withdrawal in spite of the lack of progress in Paris.

The President proposed in October of 1970: (1) an internationally-supervised cease-fire throughout Indochina; (2) the establishment of an Indochina Peace Conference; (3) negotiation for an agreed timetable for complete withdrawal of all United States forces on the basis of North Vietnamese reciprocity and international verification; (4) a fair political settlement reflecting the will of the South Vietnamese people and all political forces in South Vietnam; and (5) the immediate and unconditional release of all prisoners of war by both sides.

The President has made withdrawal from South Vietnam contingent upon the release of American prisoners of war; yet, Hanoi has yet to release a complete list of names of these prisoners of war.

This situation is all too reminiscent of the situation in Korea in 1951-1953. We would do well to remember the tactics of the North Koreans and Chinese. They were all too ready to take back their men from the prisoner-of-war camps of the South, even if these men did not wish to return to them. And on the other hand, they took delight in a game of not releasing news of Allied prisoners of war in the North.

Hanoi has at least been honest when speaking about the prisoners of war. It has told us that even if we fix a date for *total* withdrawal (meaning, according to the proposals they set forth in September of 1970, that South Vietnam be left



defenseless and virtually in Hanoi's control), they will then only begin to *discuss* the question of prisoners of war.

Using these facts as preface, this resolution sets about not to condemn the President or to usurp his Constitutional authority, but to aid him by providing him with the consensus necessary in order to represent American objectives honestly and American public opinion in its broadest scope.

It is quite obvious that Hanoi is not at the present negotiating seriously, and one reason is because of the vituperation and invective which flow against the President from the floors of the House and Senate and from the public platforms. It is not that Congress and its Members should be yes-men to this or to any other Administration, but the issue of the Vietnam war is an American problem. It is a problem that is common to us all—one that can only be solved by working as a unit. As long as Hanoi expects that the Congress will go contrary to the President as the chief executor of foreign affairs, it will never deal seriously. This resolution is of the nature of what the President has stated as his objective—a just peace—and what the Congress has shown as its desire—an imminent peace and total withdrawal.

This resolution proposes that American troops be withdrawn on November 30 of this year, provided that (1) a total cease-fire be established between the parties involved, to commence no later than August 15, 1971, under the supervision of a United Nations military observer group; (2) all American prisoners of war held in Indochina are returned no later than September 1, 1971, under the supervision of the United Nations Commission on Human Rights; and (3) the Government of North Vietnam and all other governments with military forces in South Vietnam likewise commit themselves to withdrawing their forces to the date certain of November 30, 1971, this mutual withdrawal to be supervised by a United Nations military observer group.

Hanoi stated that there had to be a date of American withdrawal. This resolution proposes November 30 of this year, *but only* on the condition that the provisions enumerated in the resolution are met. This proposal places on Hanoi the burden for action to bring about peace. It provides the President with the necessary tools of initiative on our part and Congressional support to facilitate and encourage negotiations and gain the release of American prisoners of war.

This proposal takes the form of a resolution so that it does not on the one hand clear up the uncertainties of Congressional opinion only to propagate the uncertainties of proper Legislative-Executive balance on the other. This resolution neither snatches from the President's hands his prerogative which emanates from the Constitution as chief executor of foreign affairs nor attempts to tie his hands with regard to the negotiations in Paris. Nor does the resolution limit American initiative in the light of future developments in Southeast Asia or Paris.

This resolution will not undermine the freedom of choice for South Vietnam, and, in its full effect, this resolution could eliminate any pending considerations as to why a residual force might have to be kept in that area of the globe.

Mr. Chairman, this resolution is an expression of the desire of the American people, a record of Congressional feelings and objectives, and a message to the President of what these are. This resolution gives the President the backing he needs to deal successfully with Hanoi and provides that synthesis of Congressional and public opinion necessary to do this and to end the war in Vietnam quickly.

Mr. du Pont?

Mr. du Pont. Thank you, Mr. Chairman.

I have two points, Mr. McClory.

First of all in your resolution, subsection (2), beginning at line 2 on page 2, you talk about one of the preconditions of provisos being the return of all American prisoners of war.

Nowhere in your resolution does it appear to say that we shall have an obligation or the South Vietnamese shall have an obligation to return their prisoners of war; also, and I assume that you mean that there would be an exchange because you refer to it down on line 21 as an exchange.

Mr. McClory. You are talking about the United States returning North Vietnamese prisoners?

Mr. DU PONT. The United States does not hold any North Vietnamese prisoners but the South Vietnamese do hold them.

Mr. McCLORY. I assume that we can express ourselves, however, to the extent that we can bind some other nation to perform some act I don't know. Certainly, we could enter into an agreement that they should return our prisoners.

I might say that an earlier draft of the resolution provided for the exchange of all prisoners, and then it was considered that it was beyond our authority to do more than to ask that American prisoners be returned to us. South Vietnamese prisoners would have to be returned under an agreement with South Vietnam.

Mr. DU PONT. But it is your intention that they be exchanged?

Mr. McCLORY. Yes, it certainly is intended and desirable that that would occur.

Mr. DU PONT. Mr. McClory, one of the problems that we have in this country today is this enormous sense of turmoil over this war and the problem of the credibility gap is developed which has been spurred on in the last 10 days by the articles in the New York Times.

One of the problems that I have with resolutions such as yours, generally, is that it looks to me like they are going to set up increased possibilities for discord in the United States.

For example, when a prisoner exchange occurs we have a long list of prisoners, MIA men, and if this exchange in your resolution actually took place don't you suppose we would get into an enormous argument in this country as to whether all the prisoners had been released? I mean there would presumably be some men on the list of MIA's who don't show up when they come across the line of exchange.

Don't you see an opportunity here for mischief, and we agree to the cease fire if all of these things happen, the prisoner exchange is made, some of the prisoners don't come back and there is immediately an argument in this country shall we go ahead with the cease fire or shall we not, have they fulfilled the conditions or have they not?

I wonder if we won't get the same kind of haranging and discord that we have today by trying to fix these conditions.

Mr. McCLORY. I don't see that there would be any difference under this resolution than the situation that would exist under the President's irreversible policy of withdrawal.

I have provided that this return of prisoners should be under the supervision of the United Nations Commission on Human Rights. Perhaps we could include the International Red Cross or some agency like that, but I think it is quite likely that we will never get a complete agreement as to whether or not all prisoners of war have been returned.

I understand there is a question as to whether or not all prisoners of war have been returned from North Korea. But if we provide an agency which would supervise this I think that is the best we can do.

Mr. DU PONT. I wonder that a better solution to the problem, and in my mind it is not fixed, I am groping for answers just as other members of the subcommittee are, but wouldn't we be better off to continue withdrawing troops as fast as we can, hopefully faster than we have been withdrawing them now and just keep withdrawing them until they are all gone and instead of setting up conditions such as this that conceivably might prolong operations, if we have a lot of conditions that somehow don't work?



Mr. McCLORY. Of course, as we know there is a strong demand not only on the part of the representatives of North Vietnam but a great many representatives of the American public who are saying that if we fix a date this is going to enable us to achieve these other things such as the return of prisoners and an accelerated termination of hostilities. It seems to me that there is no point in being obstinate about a fixed date—particularly if a fixed date applies to both sides, which my resolution does. And I have no reason to believe that the North Vietnamese would not agree to a fixed date for withdrawal of their forces. They started out in Paris by denying that they have had any forces there, and I think that if mutual withdrawal was a condition—as far as their regular forces are concerned—they might agree to that.

As far as I know, this proposition of a fixed date for mutual withdrawal is only set forth in this resolution. Perhaps some others have been filed now more recently. But the idea of a fixed date for mutual withdrawal seems to me to be something that should be explored fully. I would not feel right, myself, as a Representative in Congress having this view and not projecting it in the form of a concurrent resolution, and I believe that is the same general feeling of the more than 20 other persons here who have joined in this approach.

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. GALLAGHER. Before the resolution became operative, would it require the acceptance by the North Vietnamese and the Vietcong as a condition?

Mr. McCLORY. Just the North Vietnamese Government and that would be all.

Mr. GALLAGHER. But it would not be binding on the U.S. Government unless they agreed, is that the thrust of it?

Mr. McCLORY. It is a sense of the Congress resolution, of course, that the North Vietnamese Government and the U.S. Government agree on a fixed date for mutual withdrawal, for that matter, it would include all foreign forces that are there, but it would have no effect on the South Vietnamese, or, for that matter, on the Vietcong which is an indigenous force. It is not a foreign force.

Mr. GALLAGHER. And this resolution applies basically to the foreign troops in South Vietnam?

Mr. McCLORY. Entirely to foreign forces; yes.

Mr. GALLAGHER. Thank you.

Mr. Wolff?

Mr. WOLFF. Mr. McClory, I thank you for your well thought out statement and resolution.

On page 3 of your testimony you refer to this resolution as expressing the corporate opinion of the Congress and on page 3 you talk about the President's duties as Commander in Chief.

I think that one thing that these hearings should provide is a resolution of the powers of the President as Commander in Chief.

I would like to pose to you some prior history on this. The President's power as Commander in Chief does not free him from enacted restrictions. The Commander in Chief clause merely entitles the President to the supreme command of the Armed Forces within limits established by the legislation which created the forces.

The Supreme Court spoke most directly to this issue in the steel seizure case, including that the powers of the President both as Com-

mander in Chief and in his executive capacity were not unlimited and could be restrained by another branch of the Government.

On that Justice Black wrote:

The Constitution is neither silent or equivocal about those who shall make the laws which the President is to execute.

The Constitution does not subject this law making power of the Congress to Presidential or military supervision or control.

He went on further saying:

The power of Congress to raise and support armies is clear and undisputable, the language used in the Constitution making this grant of power is so plain, precise, and comprehensive as to leave no room for doubt or controversy as to where the supreme control over the military force of this country resides.

I think there has been too much said and relied upon in the statement that the President as Commander in Chief shall have the final word as to the disposition of this Nation regarding our position in Vietnam.

Mr. McCLODY. Could I inject something at that point? I might say that it seems to me that the action which we are contemplating through this resolution and which would result from these hearings is action similar to that which has been initiated in prior Congresses. Following World War I, for instance, when American forces were in Russia at a time when they were having a revolution, the Congress adopted a resolution directing the President to withdraw American forces from Russia.

It was never finally passed, but as it got close to the passage stage the American forces were withdrawn. Something similar happened with regard to withdrawal of American forces from Nicaragua in 1928. Congress initiated action requiring that American forces be withdrawn, although final action was never taken.

Mr. WOLFF. On the question of your resolution which proposes mutual withdrawal, hasn't the President already offered this?

Mr. McCLODY. I think in substance it is consistent with the President's position. It seems to me it does support the President's position.

I think with regard to the cease-fire, the President recommended an immediate in-place cease-fire. This is a withdrawal-to-enclave type of cease-fire, so it would vary in that respect.

I don't think the President has fixed any particular date, but in general the exchange of prisoners, the cease-fire, and the agreement to final withdrawal are generally consistent with the President's position. As a matter of fact I am offering this resolution to help the President accelerate what I think he is endeavoring to do.

Mr. WOLFF. How does that square with the statements that the President and the State Department have made relative to sustaining the viability of the South Vietnamese Government?

In other words, "we would maintain forces long enough in Vietnam to sustain a viable South Vietnamese Government."

Mr. McCLODY. I think that is an interpretation you are putting on the President's position.

Mr. WOLFF. That is the third condition that was added recently.

Mr. McCLODY. It is certainly the hope that the South Vietnamese people can defend themselves, but as I interpret the Nixon doctrine, while we may help people to become liberated and independent, we will not use our forces to guarantee that any particular regime or administration will survive.

Mr. WOLFF. In other words, then you are supporting that portion of the President's program that would, No. 1, provide for the release of our prisoners of war, and No. 2, the withdrawal of our forces, but I take it then you do not support the idea of our maintaining our position until a viable force is able to be maintained by the South Vietnamese Government?

Mr. McCLORY. I am recommending the fixed date of November 30. That is a very early date, and I think that the South Vietnamese are going to have to determine for themselves what government they will have.

Mr. WOLFF. I thank you.

Mr. GALLAGHER. Mr. Whalley?

Mr. WHALLEY. Thank you, Mr. Chairman.

It is good to see you Congressman McClory.

On page 2 you state that in view of the fact that many people throughout the world would have the President of the United States name the day on which all American forces will be withdrawn it seems reasonable to me to suggest that North Vietnam be included likewise on the same date.

Peace negotiations started in Paris when the United States had its top number of troops here. One would have thought that it was to North Vietnamese advantage to negotiate.

Now that President Nixon has brought 200,000 boys home, plus 19,000 a month, it would seem we would expect less from the peace negotiation in Paris since about all they have to do is wait.

What are you suggesting, can we get other nations interested or what do we do to get some action from North Vietnam?

Mr. McCLORY. As I understand it, their negotiators have demanded that we fix a date and this resolution fixes a date, it fixes a very early date. It also of course states that they should withdraw their Armed Forces.

Mr. WHALLEY. You are fixing a date for December 1?

Mr. McCLORY. Yes.

Mr. WHALLEY. What would happen if the date was fixed on December 1 to bring all of our troops home but they still haven't done anything about the U.S. war prisoners?

Mr. McCLORY. The resolution provides that these things occur first. Our forces are not to be withdrawn until there is first a cease fire. This is the first step and it seems to me that it could take place almost immediately; however I fixed a date there of August 15. As far as the release of prisoners is concerned there is no reason why that could not be carried out by the first of September.

This resolution requires an agreement that these preconditions should be fulfilled, and there is provision for the United Nations to supervise the fulfillment of these preconditions.

Mr. WHALLEY. Don't they say we must withdraw all troops first before we discuss anything?

Mr. McCLORY. I don't understand it that way. No, as I understand the North Vietnamese they say fix a date and then we will discuss return of prisoners of war.

Mr. WHALLEY. Suppose a resolution were passed that December 1 was the date, how fast could you expect action on their part on the release of prisoners, what would be reasonable?



Mr. McCLORY. I really don't think there is any obstacle in terms of time that is barring a release of prisoners. I think the prisoners could be released—all of them—in the course of a week. I don't think there is any problem there at all.

Mr. WHALLEY. Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you very much, Mr. McClory.

Our next witness is a colleague on the Subcommittee on Asian and Pacific Affairs, Mr. Lester Wolff, Democrat, of New York.

Mr. Wolff has led several study missions to Asia and has an informed interest in the nations of that troubled region. He also was among the original Congressmen to question our policy in Indochina.

Congressman Wolff is the author of a proposal to send an American observation team to carefully scrutinize the election for a President in Vietnam this October. This contribution has caused much helpful discussion over our continuing role in Vietnam, and it will be a pleasure to hear your testimony.

## STATEMENT OF HON. LESTER L. WOLFF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. WOLFF. I thank you very much, Mr. Chairman, and I thank you for the opportunity to appear before the subcommittee. Perhaps today's Washington Post lends emphasis to what I am about to say, headlines from today's Washington Post, "Viet Politicking: U.S. Plane, U.S. Adviser and Thieu's Man." I would like to enter this into the record as a preface to my remarks.

Mr. GALLAGHER. Without objection, it will be placed in the record. (The article follows:)

[From the Washington Post, June 22, 1971]

### VIET POLITICKING: U.S. PLANE, U.S. ADVISER AND THIEU'S MAN

(By Peter A. Jay)

DUCPHONG, SOUTH VIETNAM, June 21.—It was old politics with a new Vietnamese twist.

Col. Lau Yem, the portly cigar puffing chief of Phuoclong Province, was out beating the bushes for support for his boss, President Thieu.

The presidential election is of some importance to Yem, who was appointed province chief by Thieu two years ago and who enjoys his job as the military governor of Phuoclong's 45,000 residents.

"If President Thieu doesn't win, I might end up in jail," he said—and chuckled.

The colonel had dropped into Ducphong to help celebrate the opening of a new Catholic Church.

Most of the residents of the area, a thinly populated district in the red-earth hill country near the Cambodian border, are Montagnard tribesmen whose gods are those of the forest and mountains. But there is a prosperous and influential Vietnamese minority, many of whom are Catholics, and these were the constituents the colonel had come to see.

He brought 50,000 piasters (about \$190) to help the church along, half a dozen black-robed priests from the provincial capital of Songbe, and his American adviser, Lt. Col. Carl G. Smith.

Actually, it was Smith who got everyone to Ducphong, by ordering up the Air America plane that brought them there, but he took pains to emphasize that the project was Col. Yem's.

After landing on the little Ducphong airstrip—after a steep descent through the clouds that turned the faces of some of the priests a faint green—the group was whisked to the new church by jeep. Montagnards working in the fields watched the party as it sped by.

At the church, where the Duephong power structure was having a social hour before lunch, Col. Yem found the first sign of another political force at work.

National Assemblyman Nguyen Dac Dan, who recently won the attention of the Saigon press by brandishing a hand grenade during a legislative debate, was comfortably seated in the midst of a group of dignitaries and chatting up a storm.

Dan, who wears a mustache like Vice President Nguyen Cao Ky's, said he was campaigning both for the vice president and for himself.

Though he was elected to the assembly from Baxuyen Province in the Mekong Delta, Dan has decided to run in Phuoclong (there are no residency requirements for Assembly candidates) in an effort to oust the aging pro-government speaker of the lower house, Nguyen Ba Luang.

Luong, 69, was also present, sitting in a corner and looking rather miffed.

"You know why Dan wants to run here, don't you?," Col. Yem asked a reporter later. "Everyone hated him so much in Baxuyen he couldn't win there again, so he came up here where nobody knows him."

Despite this confrontation of conflicting political forces, the splendid lunch laid on by the church proceeded smoothly, with Yem in the place of honor cracking jokes that made the priests giggle.

Midway through the last course, a helicopter passed overhead and landed in the churchyard.

"That must be my chopper," said Smith, the U.S. adviser, frowning and looking at his watch.

But it wasn't his chopper. Into the church strode two dapper young Vietnamese Air Force pilots. They would be glad to have some food and a can of beer, they said when the priests offered them refreshment, but then they had to pick up Assemblyman Dan and take him to his next appointment.

Col. Yem looked at Dan, who smiled back. Luong was nowhere to be seen. "How is it you get a helicopter whenever you want one?" a reporter asked Dan.

"I have a friend in the air force," he said.

Interestingly, no one said a word about the Vietnamese election law that forbids any candidate for the assembly to campaign before mid August, and bars all campaigning for presidential contenders until early September.

Who is to say what this little incident illustrates? Perhaps that the Vietnamese are beginning to enjoy, or at least to practice, the new system of politics that was imposed on them four years ago.

To say any more would be to venture out on thin ice; even to say that, in Phuoclong Province at least, presidential sentiment seems divided between Thieu and Ky would be rash.

A Vietnamese-speaking reporter asked the South Vietnamese soldier who chauffeured an American official's car in the provincial capital who he thought would win the election.

"Well, don't tell (the official)," he said, "but 80 per cent of us in my militia unit are going to vote for Gen. Duong Van (Big) Minh. We think he's the one who will bring peace."

Mr. WOLFF. I very much appreciate this opportunity to testify in support of House Concurrent Resolutions 192 and 193, identical resolutions I authored to provide for the appointment of a study team to observe the presidential election in Vietnam in October 1971; 48 of my colleagues, including three other members of this subcommittee, are cosponsors of the resolutions.

Whether or not one supports our involvement in Southeast Asia, one of the avowed purposes of that involvement has always been to provide the people of Vietnam with basic freedoms, including the freedom to choose their leaders in open elections. The forthcoming elections should provide a fair test of that freedom, and I feel that the Members of Congress and the American people are entitled to know whether free elections are an actuality in Vietnam. The importance of these elections is written in the blood of the 40,000 Americans who have given their lives for a supposedly free Vietnam, and in the more than \$100 billion we have expended on this war.

Prior to the last presidential election in Vietnam, in September 1967, I proposed that Members of the Congress be appointed to go to Vietnam to observe the election. Ultimately President Johnson accepted my suggestion and appointed an observation team, but he did so at the last minute.

Because of this there was not time for adequate study by the team members during the preelection period; and because all the appointments to the team were made by the President, many people felt the team was not balanced in outlook. I myself, therefore, went to Vietnam in 1967 as an independent observer. On the basis of that experience I propose that we begin now to prepare for a nonpartisan American observation team to be present prior to and during the 1971 elections.

Under the terms of my resolution the study team to go to Vietnam would consist of 15 members—four members of the House Committee on Foreign Affairs, appointed by the Speaker; four members of the Senate Committee on Foreign Relations, appointed by the President of the Senate; and seven other public officials and/or private citizens, appointed by the President.

In view of the recommendations of many interested parties, I now propose that the resolution be amended to reduce the number of presidential appointees to four, in order to provide more balanced representation and to require that the appointees of the Speaker, the President of the Senate and the President, respectively, be representative of varying viewpoints.

I do not feel that the Congress and the American people would support our sending a commission to Vietnam to whitewash the elections or to gather evidence to support any preconceived view. If an American observation team is to be effective in fostering the atmosphere necessary for free elections, that team must be bipartisan both in terms of politics and in terms of the team members' positions on our policy in Vietnam.

Under House Concurrent Resolution 192 the study team would be present in Vietnam for the week preceding the election and as long thereafter as necessary to complete its investigations. To insure adequate briefing and background information for the team members when they arrive in Vietnam, I suggest that staff members leave for Vietnam as quickly as possible. Judging from my own experience, this provision of a staff for the observation team is vitally important, for I found my lack of staff a great handicap in 1967.

In addition, there have already been indications that questionable political practices—including misuse of U.S.-financed surveys, the linking of peace candidates with Communists, and limitations on the number of candidates—are already occurring in the campaign. I believe that the American people have a right to learn of these occurrences directly and not just through occasional press reports. If our observation team is to be aware of these practices and monitor the elections effectively, the persons appointed to serve as staff members must go to Vietnam and begin to lay the groundwork now.

Following their return to the United States, the study team authorized by my resolution would make a report on the conduct of the election to the Congress and the American people as soon as possible. For purposes of their observation and report, the team members would



be authorized to look into all facets of the election, including—but not limited to—the degree of citizen participation, procedures for determining candidates' and voters' eligibility, procedures for preventing election irregularities and insuring the secrecy of balloting, the role of the media, procedures for investigating election irregularities, and validation procedures.

As the members of the subcommittee know, Senator Stevenson and several other members of the other body have also introduced a resolution providing for congressional observation of the Vietnamese elections. While that resolution differs from mine in some particulars, I do not feel that there would be any problem in working out the differences during a House-Senate conference following passage of the two resolutions.

It is vital that the Congress and the American people have representatives on hand to observe the Vietnamese elections, as we did in 1967. If our observation team is to achieve its purpose of being more effective than the 1967 official team, and more effective than were my own individual efforts, the team members and staff should be appointed and begin briefings soon. I therefore hope there will be early action on this resolution, and that those responsible for appointing the team members will do so at an early date. Both the Congress and the American people deserve a more thorough job of observation and reporting than was possible in 1967.

I would like to emphasize my feeling that the observation team must be dissociated from the American Embassy in Saigon and from administration policy. It would be short-sighted to commit the United States to the election of any particular candidate. It would also be contradictory to our stated commitment to free elections.

The purpose of any observation team observing the Vietnamese elections, whether that team is international or American in composition, must be to encourage the free operation of the will of the Vietnamese people, and not to perpetuate any regime or promote any candidate.

I would, therefore, hope that the administration will cease its support of the Thieu-Ky regime and join us in our efforts to foster truly free elections in Vietnam.

A fairly recent development has been the passage by the Vietnam National Assembly of an electoral bill requiring each presidential candidate to be nominated by at least 40 of the 197 National Assemblymen or 100 of the country's 554 provincial and city counselors.

It is possible that as a result of this law there will be only one candidate on the ballot in October. In that case, the people of Vietnam will clearly not be offered a free choice. If that is the case, the Government of South Vietnam will be following closely the recent example of the Communists to the North, and we may find that we have united Vietnam much more quickly, and much more closely, than we anticipated—but under the umbrella of tyranny instead of the freedom we have been fighting to defend.

If the new Vietnamese election law is pursued to its logical end and there is only one candidate this fall, then I recommend that we not send a commission to observe an election having a foregone conclusion. But I hope that the Congress will pass the resolution I have introduced and begin now to make preparations to send an observa-

tion team. This is exactly the kind of pressure that must be applied to persuade the Vietnamese Government to offer the people a truly free choice in a fair election.

We must work to assure that free choice which is demanded by the loss of 40,000 young Americans who have died to provide freedom and more than 300,000 of our people maimed in Indochina.

I offer for the record a letter from Gen. Edward G. Lansdale, retired as major general of the U.S. Air Force, 1963. He is retired now, he spent 1963 in South Vietnam. He also spent 1954-56 as a special assistant to Ambassador Lodge for pacification purposes.

I read the opening paragraphs of General Lansdale's letter:

Dear Congressman Wolff: Thank you for your letter of May 6, the copy of your resolution, H. Con. Res. 192, proposing that a U.S. study team observe and analyze the October 1971 election in South Viet Nam, and your invitation that I comment. The commenting will be a genuine pleasure.

First of all, congratulations to you and to the Congressmen who joined you in sponsoring the resolution! It is heartening to know that there are Americans who remain alert to the basic issue at stake in South Viet Nam and who recognize the real significance of what the 1971 elections will mean to everyone involved in the struggle. The measurement you propose of how our fundamental purpose is being fulfilled in protecting the right of the Vietnamese to have a free choice in determining their future, will have far more reality to it than do other counts of enemy dead or the numbers and decibel ratings of demonstrations in the streets of the United States. Such clear thinking deserves a cheer. You have mine!

I would like to offer the letter for the record.

Mr. GALLAGHER. Without objection it will be inserted.

(The letter follows:)

ALEXANDRIA, VA., MAY 10, 1971.

Hon. LESTER L. WOLFF,  
*Congress of the United States,  
House of Representatives,  
Washington, D.C.*

DEAR CONGRESSMAN WOLFF: Thank you for your letter of 6 May, the copy of your resolution, H. Con. Res. 192, proposing that a U.S. study team observe and analyze the October 1971 election in South Viet Nam, and your invitation that I comment. The commenting will be a genuine pleasure.

First of all, congratulations to you and to the Congressmen who joined you in sponsoring the resolution! It is heartening to know that there are Americans who remain alert to the basic issue at stake in South Viet Nam and who recognize the real significance of what the 1971 elections will mean to everyone involved in the struggle. The measurement you propose, of how our fundamental purpose is being fulfilled in protecting the right of the Vietnamese to have a free choice in determining their future, will have far more reality to it than do other measurements being used in the war, such as body counts of enemy dead or the numbers and decibel ratings of demonstrations in the streets of the United States. Such clear thinking deserves a cheer. You have mine!

There are several elements pertinent to U.S. interest in the Vietnamese elections which weren't mentioned in your introductory remarks or the resolution. I call them to your attention for serious consideration, not only in the wording of the resolution but also in the implementation by the U.S. study team. These elements are: enemy attempts by military and terrorist forces to disrupt the electoral process, the extent of non-partisan encouragement and help by the United States in assuring a free election, the importance of Lower House and village elections as well as the October Presidential race, an awareness of the newness of electoral procedures to Vietnamese who will stake their lives, fortunes, and sacred honor on the outcome, and an acknowledgement that other nations have joined with us in South Viet Nam for the same purpose as we.

*Enemy disruption.* Your resolution notes that the avowed purpose of United States involvement in Viet Nam is to provide the people with freedom of choice. That means that we Americans are willing to place our trust in the decisions of the Vietnamese, made via secret balloting in this year's elections in their



country. Our trust in the people is the opposite of the practices of the Communist enemy in Viet Nam. Since this conflict between trust and distrust of the Vietnamese people is taking place on a battleground, it can be expected that the Communists will make use of military force and terror to disrupt and discredit an electoral procedure which permits the citizenry to freely create a government of, by, and for the people.

In saying that the Communist enemy distrusts the people, I am not resorting to idle rhetoric. Elections were held in Communist North Viet Nam on 11 April 1971 for membership in Hanoi's National Assembly. It was the first election held in North Viet Nam since 1964, the year the leaders in Hanoi decided to send North Vietnamese troops into South Viet Nam. Unlike elections known to us or to other free people, including the South Vietnamese, the people of North Viet Nam were given no real choice.

Out of some 590 candidates for the 450 seats in Hanoi's Assembly, all but 4 or 5 candidates were hand-picked Communist Party members, subject to the iron discipline of that Party. Thus, to begin with, the "people's choice" actually was made by an elite behind closed doors in Hanoi. Even so, this elite took no chances with the people. According to the reports of observers, North Vietnamese voters were confronted by police and other officials at the polling places, handed ballots by the police, who then observed which ballot each voter cast. In a police state, with its savage reprisals against individuals, this open procedure made the electorate merely a rubber stamp. Surely such patent rigging of an election is plain and current evidence of distrust of the people by an elite which is attempting a conquest of South Viet Nam.

The Communist Leadership of the National Liberation Front in South Viet Nam claims to speak for "the people". Yet, they are self-appointed spokesmen, not even bothering with any pretense of elections. It seems logical to conclude that these Southern leaders also fear to put their trust in being chosen by the people through a secret ballot, particularly since they have lesser means to enforce their will.

So, given the presence in South Viet Nam of an enemy opposed to letting the people have a free choice, any honest observation and reporting of an election there must pay due attention to that enemy's disruptive actions. Your proposed U.S. study team should be charged with getting the facts about Communist attempts at disruption—the propaganda campaigns to discredit the elections, the acts of terror to spoil the proceedings—and exposing them fully in subsequent reporting. Such exposure will help put the Vietnamese elections into truer perspective.

I emphasize this need to give proper heed to the enemy mostly because I realize that we Americans are all too human. We take the easy route of gathering information readily available to us from our friends among the Vietnamese, including the scandals they tell about each other. It is harder work finding out about Communist coercion, since some of it is done so secretly. However, if we recognize the importance of the 1971 elections in South Viet Nam to the future of that country and to U.S. involvement there, then it is worth putting in extra work to add facts about enemy actions to give a properly balanced report of what happens when the Vietnamese practice self-determination.

*U.S. role.* Although I am among those who believe strongly that the United States should show no favoritism for individual candidates or political groups in South Viet Nam, I am equally a strong believer that the United States should openly encourage and help the free electoral process there. Given our primary purposes for being in South Viet Nam, it would be mean folly if we were to remain mute and unhelpful at the very moment that the Vietnamese were putting into practice one of our most cherished precepts.

There are American civilians and military men stationed in every district of every province in South Viet Nam. Each has some influence with the Vietnamese locally. Thus, the U.S. Mission in Viet Nam should instruct all Americans in contact with the Vietnamese to promote the concept of a free election and to furnish available U.S. help to that end—on a non-partisan basis. It is very much in the best interests of the United States that Vietnamese citizens get a full exposure to the issues at stake and have ample opportunity to make their decisions at the polls, secretly, safely. When we see some fruition in Viet Nam of our principled beliefs, then we will start finding some meaning in the sacrifices we have made there. Our national conscience needs this.

It also is very much in the best interests of South Viet Nam that this be done. Whomever is elected is going to need to know, for sure, that he carries the honest

mandate of the people. It will give him a solid foundation for his decisions and performance in the months ahead, perhaps making a vital difference in the trend of Viet Nam's history and even that of the world's.

What help can the Americans give other than speaking up plainly about free elections? Well, South Viet Nam is a battleground, with an active enemy threatening the free movement of candidates, the citizenry, election materials, and ballots. American military men can assist the Vietnamese in the physical protection of electoral procedures from the armed enemy. Americans can help transport candidates on an equal basis, as well as ballots and other election materials to areas where transport is hazardous or otherwise unavailable from Vietnamese resources. Such physical help by Americans is worthy of at least as high a status as the U.S. help given to recent Vietnamese operations in Laos and Cambodia.

The presence of a U.S. Congressional study team might inhibit the U.S. Mission and U.S. personnel on the ground from giving full expression to helping the Vietnamese exercise their free electoral rights—unless the U.S. Congressional study team takes positive steps to assure the U.S. Mission and Americans in Viet Nam that it wants such U.S. help given actively and generously. Ideally, your resolution should include some statement about this. At the least, instructions towards this end should be given to the U.S. study team.

*Other 1971 elections.* Your resolution mentions only the October 1971 election as the subject for U.S. observation and analysis. However, there are other elections taking place in South Viet Nam this year deserving a similar attention by Americans. One of them might even prove to be of more interest to you and your colleagues in the House.

The October election, of course, is for the Presidency and Vice-Presidency. In August 1971, it is expected that South Viet Nam will hold elections for seats in the Lower House. These Lower House Representatives are the only members of Saigon's National Assembly who have definite constituencies, since each is elected to represent a single district. In contrast, the Senators in South Viet Nam's Upper House are elected from the nation at-large, as is the President. It is my belief that the Lower House elections do more to generate political parties and institutions in South Viet Nam than any other single event. Thus, if one wants to get a real feeling for the growth and trend of political self-determination in South Viet Nam, the Lower House elections offer much of real significance and are worth the study.

Elections also are scheduled to be held in 1,000 villages of South Viet Nam, starting this month and continuing through the summer. The elections are for village officials and are held on Sundays. They take place progressively, one group of villages this Sunday, another group the following Sunday, and so on, to permit electoral equipment and certifying inspectors to be moved from village to village to assure the sanctity of the balloting. It takes some time to cover the entire country.

It is in these village elections that the rice-roots reality of the Vietnamese political scene comes right up to the surface. Many of the candidates for village office feel that they are putting their lives at stake, since it is the murder, kidnapping, and torture of these village officials that swell the long list of crimes-by-proscription committed by the Communist enemy. The number of candidates and their quality make a meaningful index of how the Vietnamese people on the actual battleground truly assess their future.

I don't know the problem of timing that you face in getting your resolution through the U.S. Congress and its implementation organized correctly. I trust that this can be done in time to permit observation of the Lower House election in August and at least part of the village elections. If so, I would urge that the scope of your resolution be expanded to include these other elections. In any event, it would be of value to task the U.S. study team with obtaining some findings on these other elections, even if the team cannot get to Viet Nam until the October elections. While they are at it, I recommend that the U.S. study team include a finding on the current status of Colonel Tran-ngoc-Chau, the member of the Lower House who was imprisoned for expressing opposition to some of the Vietnamese government's practices and for consorting with his brother, a Communist, while keeping Americans informed of these latter dealings. His arrest and trial were judged to be unconstitutional by Viet Nam's Supreme Court, yet he is held today in Chi Hoa Prison. His case is hardly a bright and shining example to beckon others to become candidates for the Lower House.

*Newness.* It took Americans in the midst of a war and its aftermath from July 1776 until March 1789, 13 years, to start a nation, to form a Constitutional gov-

ernment, and to have it commence functioning. It seems as though it has taken us ever since to learn how to live with it and to make it more or less serve our needs as citizens. The present form of Vietnamese Constitutional government got its start in 1967, just 4 years ago. There is much in learning how to make it work well and beneficially that the Vietnamese are still learning—just as we had to do.

So, it is with a bit of a shudder that I contemplate the sending of one more study team to Viet Nam—if that study team is made up of Americans who expect the Vietnamese to do things even more perfectly than we do at home and who become irritated, impatient, and unduly critical when this doesn't happen. Over the past several years, successive waves of eager, take-charge-type, do-it-now Americans have come close to flattening and numbing our Vietnamese friends. They may have meant well, but they were lacking in compassion in a very real sense—and compassion is the *sine qua non* in our system of politics, a system that the Vietnamese are trying to adopt to their own ways.

I enter a plea that definite care be taken with the selection of the members of the proposed U.S. team and with the staff to weight it in favor of compassion—so that some empathy will show through in the team's dealings with people in South Viet Nam and in their reports of their findings. This will have a most constructive effect on the Vietnamese, who are still finding their way in perfecting representative government and who would welcome friendly Americans with whom they could afford to be candid about their problems, and also will increase the value of the team's findings by helping it come closer to the truth of the state of political affairs in South Viet Nam.

As a help toward acquiring some empathy for the Vietnamese, the members and staff of the U.S. study team might pause and reflect upon the sort of Hell on earth in which practically every Vietnamese with whom they will deal has had to exist for all of his mature life. There has been war in Viet Nam as an almost daily fare for 30 years! It started when Japanese troops appeared in 1941 and various maquis were formed to start guerrilla warfare against the French, against the Japanese, or against both. There was an armed overthrow of the Vichy French colonial government. Then the entry of British and Chinese troops. Then came the long and bloody Franco-Viet Minh War. Now it's another long, savage war. In 30 years, think of the destruction of the promising men who could make a political system work, the tearing up of the country's social fabric, its very ethos, along with the wreckage of its artifacts, public works, and economy. It has taken a tough and courageous people to come through that Hell and now begin again to construct a political system of, by, and for the people while a war is still ravaging their country.

Please keep the self-righteous folks off your proposed U.S. study team, if humanly possible! We are capable of absorbing their ways here at home. They make lousy export items for the U.S.

*Allies.* The Australians, New Zealanders, Koreans, Filipinos, and Thai thought enough of the avowed purpose of the United States in protecting the Vietnamese right to have freedom of choice that they sent troops to serve alongside the Vietnamese and the Americans. Such a pledge gives them a very special and precious stake in what happens in South Viet Nam. Their action is deserving of recognition, one of higher merit than what we give to nations who pay lip service to the ideals that brought us into the conflict, but who have been content to stay on the sidelines and be sharply, bitterly critical of the manner in which we have conducted ourselves during this cruel passage of history.

Your resolution could give some recognition of the stake of these allies. I suggest something along these lines: "The U.S. study team will extend friendly cooperation to any similar group formed by the elected legislature and government of a nation that joined the United States in sending troops to South Viet Nam to preserve the right of self-determination by the Vietnamese people".

Copies of your resolution, sent to the proper parties in these countries, might not only surprise them happily over the thoughtfulness of the Americans, but might even prompt them into forming a study team of their own and sending it to South Viet Nam to work alongside yours. It would be a grand contrast to some of the abuse that has come their way from Washington.

When I started this letter to you yesterday, 10 May, I had no intent of saying so much to you. The evident sincerity with which you made your proposal and its importance caused me to add details which I hope will be of help to you. As a citizen, I want you to succeed in getting your resolution passed into active being and then be implemented in the fair and full manner that we Americans need so desperately these days.



With every good wish for your success in this grand and meaningful undertaking.

Sincerely,

M/GEN. E. G. LANSDALE,  
*U.S.A.F. Ret.*

Mr. Wolff. I also ask you to include the statement of W. Averell Harriman. He said:

I urge this committee to support legislation by the Congress: (1) to use its power over the purse to compel a responsible withdrawal of all our forces from Vietnam, preferably by the end of this year; and (2) to send a mission to observe the forthcoming South Vietnam elections and to report on whether the South Vietnamese are, in fact, being given an opportunity to freely determine their own future.

Thank you.

Mr. GALLAGHER. I thank you very much, Mr. Wolff, for your very interesting presentation.

I yield to the distinguished chairman of the Foreign Affairs Committee, Dr. Morgan.

Chairman MORGAN. Thank you, Mr. Chairman. I have no questions. I just dropped by to see what progress the subcommittee was making with these resolutions.

I know the gentleman from New York, the distinguished member of this committee, has been in contact with me almost daily in behalf of this resolution. I know of his great interest dating back to 1967 at least, when he made a trip to Southeast Asia on his own when the last elections were held.

I want to assure the gentleman that his resolution has a great deal of merit. We have a report from the Department and I feel that whatever action this subcommittee may take on the gentleman's resolution, it will receive sympathetic consideration when it comes before the full committee.

Mr. GALLAGHER. I think I have the message, Mr. Chairman.

However, Mr. Wolff, obviously this is a worthwhile resolution. However, I find sometimes that this sort of thinking conflicts with the basic purpose of disengaging in Vietnam; for instance, someone sent me a copy of an advertisement that appeared in the New York Times Sunday.

\* You can do something for Vietnam by enclosing a contribution to the Vietnam Election Project Coordinator.

I find it very curious that among other things that the ideas are set down, there is a question here:

You can help, write or wire your Senators and Congressmen, ask them to support legislation that prohibits U.S. involvement in Vietnam's elections.

And the other thing is to help the election project by getting involved, so teams such as your resolution advocates, are sent to Vietnam. They ask to "continue our efforts, and also send your contribution to keep this good work going."

Mr. Wolff and Mr. Chairman, how could such a team possibly avoid being regarded as interfering in the election process in Vietnam? Does it not demonstrate the arrogance on our part that originally stirred up all the trouble? We thought Mr. Diem was not a very good fellow and we started interfering at that point. Would not Mr. Thieu, should he emerge as a victor, be in even a more difficult position to continue



stability in Saigon if the election project observers went about America criticizing his election?

Assuming that will be answered very intelligently one way or the other, I then would ask this: How will this help bring American fighting forces home, something we are all united in, which is the most significant task confronting this Congress? This is much more important than creating Jeffersonian-type democracy in Saigon.

Mr. WOLFF. This ad supports the Stevenson resolution in the Senate, if you will look to it.

Mr. GALLAGHER. Yes; it does, but I see you do also.

Mr. WOLFF. I have supported the Stevenson resolution but it is not my resolution which differs vastly. The important element here is the fact that the Stevenson resolution addresses itself to our participation in the Vietnamese elections, my resolution addresses itself to the entire electoral process in Vietnam.

The very basis of our commitment in Vietnam was to seek the free exercise of the will of the people of South Vietnam.

Mr. GALLAGHER. I might say this to my beloved colleague: If that were the purpose of our being in Vietnam, to me that is not the purpose now. The purpose is to get out of Vietnam.

Mr. WOLFF. What is the purpose now? Our purpose in Vietnam?

Mr. GALLAGHER. To get out of Vietnam. To get our soldiers and our troops out of Vietnam is the chief purpose of our policy now, whatever the reasons were that allowed us to engage in Vietnam in the first place.

I find your resolution in conflict with that.

Mr. WOLFF. It hardly is in conflict because of the stated fact that we will maintain a residual force in Vietnam. It has been concluded that we would maintain a residual force in Vietnam on an open-end basis. The President has not indicated that we are going to get out of Vietnam.

All that has been said is the fact that our combat forces are going to leave Vietnam and the support force will remain.

The second point that I think is very important is the fact that I don't think we could have sacrificed as many lives as we have in support of a basic principle and just totally disregard that principle. I agree with you that our purposes should be to get out of Vietnam and I have supported every effort, that is responsible, in order to get out of Vietnam. However, I think we do have a very high purpose in seeing to it that the free exercise of the will of the people is achieved.

If the people are not able to express their free will in a free election—then we do not belong in Vietnam at all and we should back boats up to the shore, if we possibly could, and load the boats.

Mr. GALLAGHER. Precisely what I advocated when these arguments were made against Mr. Diem. It is the pursuit of that illusive principle that became the basis of our escalation in Vietnam. We are now searching for the real priority: an orderly democratic process in Vietnam, truly representative of the people, if that is possible, or the reduction of the American profile in Vietnam.

Mr. WOLFF. Do you not feel that if we provide for the free exercise of the will of the people, that we have accomplished our mission?

Mr. GALLAGHER. I am not sure that is our mission. I think now, for instance, no matter how difficult were the times when Diem, Madame

Nhu, and Mr. Nhu were there, that many of our friends in the ADA, for instance, would give a political endorsement to Madam Nhu if she went back and we left.

Mr. WOLFF. Do I understand the chairman, then, to say that he supports the idea that we should have immediate unilateral withdrawal from Vietnam?

Mr. GALLAGHER. No; you don't understand the chairman to say that. You understand the chairman to say that I am wondering whether or not it is our duty to unite Vietnam by a truly democratic process, as your statement advocates, and how this can be done while we attempt to disengage the American forces in Vietnam.

If we find the elections are not totally honest or totally free, what can we do about it?

Mr. WOLFF. We don't have totally honest elections here in our own country sometimes, you know, Mr. Chairman.

Mr. GALLAGHER. That is why it is hard to see how we can impose that on Vietnam.

Mr. WOLFF. I think you have indicated that we should not impose ourselves upon the Vietnamese and yet we still have about 280,000 men in Vietnam today. I think that one of the points that I, and many people, have made for many years is the fact that a political solution is the only solution to the problems of Vietnam.

If we had attempted a military solution at the time a military solution was possible, then perhaps we would have a different result today. But it is no longer possible and therefore the only possibility that we do have is truly a political solution and I am attempting to help find a political solution.

Mr. GALLAGHER. Thank you, Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

I thought for a moment there we were going to get a revelation from the hustings on this issue, but that perhaps has to wait for another day.

Mr. Wolff, are you suggesting that if somehow the elections in South Vietnam are not fair or are somehow rigged, that you would prolong our presence in South Vietnam until they straightened themselves out?

Mr. WOLFF. Oh, to the contrary. No, I would say we do not belong there at all if they do not permit the free exercise of the will of the people. I would say we should summarily withdraw from Vietnam, at the first possible date we should get out of there, if the elections are not free. We don't belong there at all if they are not free.

Whether or not we belong there today is questionable, but certainly we don't belong there at all if the people's will is thwarted.

Mr. DU PONT. Yet we went there originally at a time when I wasn't in the Congress then and didn't have the information actually until last Monday that I have today, but it had been my impression that political conditions in South Vietnam were considerably worse in 1964 and 1965 than they are today.

Mr. WOLFF. It doesn't say the decisions we made in 1964 or 1965 were the right decisions.

Mr. DU PONT. Maybe that is true, but I gather that some Members of Congress anyhow felt that we were moving in the right direction then. Today we are insisting on free elections. Back in the beginning, no-

body seemed to care much about free elections, and we were pursuing a policy in a government that was much tougher then than it is now in terms of civil liberties.

MR. WOLFF. I think those people you referred to, under Mr. Eisenhower's term of office, indicated that free elections should not be held, that elections should not be held.

MR. DU PONT. I believe that is correct.

MR. WOLFF, to get off on another subject for a moment, your particular interest in having started off the day with quotations on your behalf, I feel that it is all I can do to return the favor, and I have some quotations here about the withdrawal from Vietnam being unacceptable. It would mean rejecting the plea of the Vietnamese to help them maintain a free and independent nation.

MR. WOLFF. That was my quote.

MR. DU PONT. That is my point, February 10, 1965, and you are one of the people who is kind of fascinating to me because you seem to have come 180 degrees on this issue. You started out very much on the hawkish side, and I am not sure just where you are today, but somewhere other than there.

MR. WOLFF. If you would read the full statement—

MR. DU PONT. I did.

MR. WOLFF. You would also find in that full statement, not quoting out of context, a recommendation that we attempt to find a political solution—the only solution. I don't remember the exact quote, since I did make it back in 1965, some 6 years ago. Reading the full statement, you will find that I did recommend that a political solution was the only solution that I felt could solve the problem in Vietnam.

MR. DU PONT. You ran through a number of things and rejected them and so forth, and the purpose of reciting it is not to quote out of context or try to confuse your words, but you seemed to have the feeling in the beginning that Vietnam was worth saving.

MR. WOLFF. I still feel that Vietnam is worth saving, but I question the price that has to be paid for it.

MR. DU PONT. In other words, it is your feeling that the price has been paid? What I am after is your thinking process in having changed from one to the other.

MR. WOLFF. I feel the price has been paid and paid many times over with more than 40,000 killed and 350,000 wounded—plus \$120 billion. I think we have long since passed the point where if there is fighting to be done, the Vietnamese should be able to stand on their own and do their own fighting; I think they should be the ones to be doing it and not us.

I do not reject the idea of assistance to the South Vietnamese. I have said this all along. I have supported the Nixon doctrine. I still support this in other areas of Asia, but I support the doctrine in its full intent—that we are to help people who will help themselves—and I reject the idea that the Vietnamese have done very much to help themselves.

MR. DU PONT. To ask you finally the same question I asked Mr. Rosenthal, and I think this is a very important point because there are some who not only want our withdrawal from South Vietnam to be complete militarily, but they also want an economic withdrawal, just a complete severing of the ties, and I personally happen to feel that is very wrong.

But as I asked Mr. Rosenthal, do you feel that after our combat troops are out, that we should continue military aid and economic aid to South Vietnam, regardless of what regime might be in power?

Mr. WOLFF. I think we certainly have to assess what Vietnam has received already. In 1970, in addition to all other aid, \$2.3 billion worth of equipment went to Vietnam in the way of transfer of equipment. In 1971, \$2.7 billion worth of equipment is to go in the way of transfer of equipment. During our full committee hearings, it was developed that we have no idea of the amount of excess or surplus equipment that has already been transferred to them—given to them over and above our regular military assistance.

I think if they get very much more, Vietnam is going to sink beneath the sea from the weight of equipment that we have given them. I think in certain aspects they probably do need a certain amount of additional military assistance. I would render this to them if they felt they needed it and put it to good use instead of selling it on the black market. I am not for cutting our ties to South Vietnam unless they do not permit the free exercise of the will of the people, and then I would definitely cut my ties.

If they do not provide the opportunity for people to determine their own future, then I would not support them.

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you very much, Mr. Wolff, for giving us your presentation and your views.

Our next witness today will be John Dow from New York. Mr. Dow is one of those who has long been dubious of American policy in Indochina. He is the prime author of one of the many bills before this subcommittee. The bill, H.R. 8955, calls for immediate cease-fire to begin our withdrawal.

We will be pleased to hear Mr. Dow at this point.

I might say, Mr. Dow, that the Chair apologizes for keeping you waiting and thanks you for your patience. Perhaps something your colleagues have learned from you in the 5 years we have had an opportunity to know you, is that your position has been consistent. You have been one of those who has consistently pointed out we should not be in Vietnam, and we are very pleased today to listen to your thoughts.

#### STATEMENT OF HON. JOHN J. DOW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Dow. Thank you, Mr. Chairman, for your kind words.

Since I do have a different view of the Vietnam situation from most of the others, I had hoped that more of your subcommittee would be here when I was testifying and that is why I waited and I would make an appeal to you that you might allow me to testify at the beginning tomorrow. I don't know that I want to wait all afternoon again tomorrow.

Mr. GALLAGHER. I would say this, Mr. Dow. If you would rather do that, the Chair can assure you that you will be the first witness tomorrow.

Mr. Dow. That will be splendid, and I am most grateful to you, Mr. Chairman.



MR. GALLAGHER. Thank you very much. We will do that tomorrow afternoon.

Our next witness is Congressman Sonny Montgomery, Democrat of Mississippi. Mr. Montgomery led a special House of Representatives study of Vietnam, and he has been to Vietnam several times. He is extremely knowledgeable of that area and on the matters of concern before the subcommittee this afternoon.

We greatly appreciate hearing your testimony, Mr. Montgomery, and we apologize for the delay.

#### STATEMENT OF HON. G. V. MONTGOMERY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

MR. MONTGOMERY. Thank you, Mr. Chairman and other members of this subcommittee.

Thank you for providing me this opportunity to present my personal views on the current situation in Indochina. Since I realize you and the subcommittee members are pressed for time due to the importance of these hearings, I will keep my remarks as brief as possible.

I am certainly no expert on Southeast Asia, but I have tried to familiarize myself with the situation in that part of the world by making five trips there for a personal firsthand inspection during the recess.

I feel the inspection trips—more numerous than for any other Member of Congress—have provided me with some insights that might not be available to all my colleagues.

My public position since January 1969, has been for a phased troop withdrawal. In fact, I believe I was among the first to suggest that we should reduce our forces in South Vietnam because the South Vietnamese needed to shoulder more of the responsibility. I felt then as I do now that Vietnamization is working.

I would be quick to point out that I have never favored and do not favor the announcement of a withdrawal timetable. I do not believe making public a date certain for troop withdrawal would be in the best interest of this Nation from the standpoint of securing the release of our prisoners or from the standpoint of military strategy to protect those troops which will be the last to leave.

Nor do I believe a date certain would be in the best interest of those nations of Southeast Asia who are struggling to maintain free and democratic governments through self-determination.

Mr. Chairman, the most important benefit of my trips has been the opportunity to observe the changes that have taken place since my first trip in December 1967. I have been in South Vietnam for the last four Christmases and I would point out that being with our troops in Vietnam is of tremendous benefit.

The most encouraging change I have observed has been to see the South Vietnamese Armed Forces progress from what some would describe as a ragtag army into an efficient and trained army fighting in defense of their homeland.

We have provided the South Vietnamese the training and know-how to repel the aggressors from North Vietnam and the Vietcong from within. Mr. Nixon's troop withdrawal program has also been helpful in that it has put pressure on the South Vietnamese to prepare

for the day that they must shoulder the entire burden of defending their country.

In essence, I believe America has done about all she can do to assist the countries of Southeast Asia from the standpoint of manpower. It is now up to the individual countries to provide the armed forces to defend their boundaries. I believe equally as firmly that we must continue to provide financial assistance to Indochina, including military equipment. This is especially true in the case of Cambodia.

I might say I have been to Cambodia three times.

These people have a fierce determination to be free from Communist domination. I believe they can accomplish their goal of freedom with their own Armed Forces and with help from South Vietnam as long as we provide them needed financial assistance.

It would be a shame and a black mark on our Nation's proud history of honoring her commitments if we don't continue to provide the financial support for these nations that are trying to help themselves. We will never be able to forget or forgive ourselves for copping out at a time and place when so many Americans have given so much in good faith.

In closing, I would point out that I am discouraged about the release of Americans held as prisoners of war. I have met with the North Vietnamese three times in Vientiane, Laos, to discuss the release of our POW's and haven't had any success.

I quite frankly don't believe the Hanoi government has decided on the fate of our captured Americans. I am sure the North Vietnamese are going to use them as a trump card. We should not allow ourselves to be misled by so-called commitments by the North Vietnamese until we see some affirmative action to release the prisoners.

Mr. GALLAGHER. Thank you, Mr. Montgomery. You say you do not favor a withdrawal timetable. Would you state some of your reasons, why you find this objectionable and not in our national interest?

Mr. MONTGOMERY. I think it would be of more interest and well being for the enemy to announce a timetable. I also stated in my testimony that it would not be in the best interest of our allies, the Cambodians, the Laotians, and the South Vietnamese, to make any type of timetable statement.

I guess the main reason is that there is no reason to have a timetable. President Nixon has committed himself to the American people to bring the American troops home. I was there on the first of January and other than some American troops near the DMZ, we just don't have many ground combat troops over there now, Mr. Chairman, we are bringing them out.

I still think we are going to have to give the South Vietnamese financial aid, military equipment, technical advice, and some air support for the next 12 months. Other than that the South Vietnamese should be able to make it.

If they can't make it with that, they can't ever make it.

Mr. GALLAGHER. Mr. Montgomery, some of our colleagues feel that a date certain for withdrawal would stimulate the South Vietnamese Government to accelerate its part and its responsibility in Vietnamization. How do you view that?

Mr. MONTGOMERY. I don't know if you can instill that in any people. They have to want freedom.

Mr. GALLAGHER. I am not talking solely about freedom. What I am talking about is if we should announce a withdrawal date the proponents feel that will serve notice on the Saigon government that they must accept total responsibility when that fixed date rives. Therefore, this would accelerate their conditioning to accept this, which would allow us to leave Vietnam.

Mr. MONTGOMERY. I don't think it is necessary to put a time certain as far as the South Vietnamese are concerned. We have given them the know-how, we have given them the equipment, and other than a few more helicopter pilots being trained, they should be completely trained within 6 months.

I don't think a date certain would have any effect on the South Vietnamese. I think they are just going to have to buckle down and get with it. They have enough training to make it.

Mr. GALLAGHER. Based on your own personal observations, is it your contention as a supporter of Vietnamization that the government now in power shows the will to continue the struggle against the Vietcong after our forces have been withdrawn?

Mr. MONTGOMERY. If the South Vietnamese will have the will?

Mr. GALLAGHER. Yes.

Mr. MONTGOMERY. Mr. Chairman, I think that is the big question, whether the South Vietnamese will tough it out and make it. I think they can make it, with what we have given them. I would say they have a 65/35 chance of making it.

Mr. GALLAGHER. Thank you, Mr. Montgomery.

Mr. du Pont?

Mr. DU PONT. Thank you, Mr. Chairman. Just one question, Mr. Montgomery. Some of our colleagues have from time to time met with the North Vietnamese in Paris and had informal "negotiating" sessions with them. Some of those gentlemen are of the opinion that they are getting the correct North Vietnamese position whereas our official negotiators are receiving some different kind of information.

In your contact with the negotiators that you mentioned in your testimony, have you had the feeling that you are getting in any way a different feeling than what you gather our negotiators are getting?

Mr. MONTGOMERY. I met with the Chargé d'Affaires in Vientiane, Laos. He really wasn't a negotiator. He was given permission to see me, which rather surprised me. In the past, I guess you could say I have been rather hawkish on the war. But I did talk to him.

He did give me some information that we did not have. He gave me the information that pictures would be released in the near future showing Americans playing basketball, participating in sports, and as you recall, these pictures were released.

Other than that, I don't think I gathered much more. I made three specific requests, and I will renew my requests with the North Vietnamese when I return in August. I don't even know whether they will see me this time or not. I requested that they give me complete information on the Americans held in Hanoi. I wish all 1,600 of them are alive, but I really have a feeling less than 500 of the Americans are still alive.

I requested the complete information on what they could tell us on the men listed as missing in action. I requested to go to Hanoi myself

or with a delegation to talk to a representative group of prisoners of war and have the opportunity to look at the prison camps.

And lastly, I requested that some Americans be released to my custody, especially those that might be sick or wounded. This request seemed to interest them more than any other things I asked. They assured me several times that the Americans were getting as fine a medical treatment as you could anywhere. Of course, as somebody said earlier today, part of it may be truthful and part of it is not.

Mr. DE PONT. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Wolff?

Mr. WOLFF. I just want to say that I know our colleague has been to Vietnam a great number of times. I would say that the concern that he has evidenced for the prisoners of war is a very noble one. I would say as well, a great many of the families of prisoners of war have come forth with the recommendation however, that we do set a date certain to test the sincerity of our enemy. I think it is about time we called the bluff of the North Vietnamese and I believe that a date certain would at least give us the opportunity, as has been indicated, putting the monkey on their back.

Mr. MONTGOMERY. The only thing that concerns me or one of the things that concerns me about a date certain is that actually the North Vietnamese have always said they will discuss POW's if a timetable is announced and not that they would release the POW's.

Plus really, we can't withdraw all American military might out of South Vietnam. That would include the Marine guards at our Embassy. It just does not make sense.

Mr. WOLFF. What do we have to lose by offering the date. If they do not respond, move the date to some other time or withdraw the offer.

Mr. MONTGOMERY. What you are saying is we take out all military personnel and anybody that has a social security or military serial number could not go to South Vietnam, is that what you are saying?

Mr. WOLFF. No, I am saying that we set a date for the withdrawal of our military forces from Vietnam and if the North Vietnamese do not respond by returning our prisoners, then we withdraw the offer. I am asking you what would be wrong in doing something like that. I think that we are jeopardizing the lives of these men who are now captive of the North, the VC, the Cambodians and the Laotians. I don't think that we should jeopardize the lives of these young men.

Mr. MONTGOMERY. What you are saying is then they are not going to agree to this. The only thing they are going to agree to is that we see that President Thieu is completely run out of the Government.

Mr. WOLFF. Why?

Mr. MONTGOMERY. That is what they are going to come back and say. They have already said it once. What you are saying is that no military man, American, can ever go back to South Vietnam. That is what you are saying.

Mr. WOLFF. I am saying that we withdraw our troops. The President has said this. The President has stated that our policy is for the ultimate withdrawal of all of our men. I am saying that you are jeopardizing the lives and the safety of the men wasting away in prison camps. We are jeopardizing their lives by failing to put on the record that we will even attempt to get them back by setting a date for the withdrawal of all of our people.



Mr. MONTGOMERY. As I said, in my testimony, the North Vietnamese are looking for a trump card. They have not made up their minds, in my opinion, and certainly I am entitled to my opinion as everyone else is in this peculiar situation.

In my opinion, they haven't even decided what they are going to do with the Americans, they hold captive.

Mr. GALLAGHER. The Chair would like to say that we have a roll call coming up. If you could, please finish your statement, Mr. Montgomery.

Mr. MONTGOMERY. I don't care anything about them either. It seems if you announce a date certain you line up with the North Vietnamese more by doing what they want to do. Let's get tough with them. Let's get rough with them. This is what I would like to do. I would like to set a date and not tell them what we will do. That is what we ought to do. We ought to set a date and say, "We will make up our minds, we will give you to October 13, and if you haven't released these Americans then we will let you know what we will do."

Mr. WOLFF. That is all we are saying.

Mr. MONTGOMERY. No; you are saying you are bringing all the Americans out of there.

Mr. WOLFF. You have said you don't want to line up with the North Vietnamese. I want to line up with the prisoners of war and with the MIA's and I think that is where we should be lining up.

Mr. GALLAGHER. Mr. Montgomery, we thank you very much for giving us your thoughts reflecting the experience you have had in Vietnam. I know of no one who has made a greater more personal sacrifice of his time than you have in this terribly agonizing question.

The subcommittee stands adjourned until tomorrow at 2 o'clock.

(Whereupon, at 5:10 p.m. the subcommittee adjourned, to reconvene at 2 p.m., Wednesday, June 23, 1971.)



# LEGISLATION ON THE INDOCHINA WAR

---

WEDNESDAY, JUNE 23, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 2 p.m., in Room 2172, Rayburn House Office Building, the Honorable Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will be in order.

I want to welcome you here this afternoon as the subcommittee continues its hearings into bills and resolutions relating to the war in Indochina. These hearings received a measure of fresh relevance by the action of the Senate yesterday in passing the first amendment for the withdrawal of all forces from Indochina, subject only to the prior release of all U.S. prisoners of war. The fact that that historic event occurred on the same day as the House of Representatives opened its first full-scale investigation into the Indochina war shows, in my judgment, that the Congress of the United States can no longer be regarded as a silent partner in foreign policy.

This, of course, does not mean that our subcommittee intends to vote out a withdrawal resolution tomorrow. I personally learned much from the testimony of my colleagues yesterday and, as I said in my opening statement then, we do want to hear all views about American policy in that troubled and tragic region of the world and take action on the matters before us.

The subcommittee's first witness today to begin our second session in the subcommittee's consideration on the approximately 70 bills and resolutions relating to the war in Indochina is Congressman John Dow. Mr. Dow is a Democrat of New York. Mr. Dow has long been critical of American policy toward Vietnam and is the author of H.R. 8955 which calls for an immediate cease-fire.

I want to apologize for delaying you yesterday, Congressman Dow. We are delighted to have you with us. You have been consistent in your opposition to the war in the past and we welcome you to the subcommittee this afternoon.

Please proceed.

## STATEMENT OF HON. JOHN DOW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Dow. Thank you, Mr. Chairman. I am very grateful for your postponement of my testimony until this time and I should like to say that you don't owe me an apology whatsoever.

I think it is wonderful that you are having these hearings and I want to be among the first to make my humble contribution.

It is very heartening for those of us who took the early stand in opposition to the American involvement in Vietnam to enjoy this landmark opportunity of appearing before your distinguished Subcommittee on Asian and Pacific Affairs.

Let me draw your attention to the bill, H.R. 8955, which I and 11 cosponsors have introduced. So far as I know, this is the only bill now before the House which calls for an immediate cease-fire—that is, within 48 hours—to be followed by an expeditious withdrawal of American forces from all of Southeast Asia.

Allow me to say a word about the advantage of establishing a cease-fire in advance of a withdrawal of troops. This course is one that is advocated by neutralist groups in Vietnam, such as the Unified Buddhist Church. Recent disclosures by the New York Times show very clearly that American leadership has held a consistently dim view of neutralist thinking in Vietnam. Since, however, most other thinking about Vietnam has proved to be illusory, perhaps now is a good time to examine neutralist views a little more closely.

As they see it, the special merit of a cease-fire as a prelude to withdrawal is the fact that it might be arranged to involve the Saigon regime as well as our own, and hopefully the Vietcong and North Vietnamese. Buddhist and other thinkers in Vietnam point out that the Saigon forces are fighting in a lackadaisical fashion because of their disenchantment with their role as a cat's-paw for the United States. This offers a golden opportunity to involve them in a cease-fire.

A cease-fire would leave all Vietnamese factions more nearly under the influence of public opinion in South Vietnam. Everyone knows that public opinion generally in South Vietnam desires an end to the fighting.

I cannot let an occasion such as this go by without reiterating the atrocious evils of America's involvement in Vietnam and also its shabby quality which is manifest in so many ways. One of the evils I refer to is the free-fire zones which are an admitted feature of our military policy. I cannot believe that any other nation in modern times has openly admitted and executed a policy of firing artillery at will into a populated countryside.

Our bombing from 60,000 feet has caused uncounted deaths of men, women and children who are not combatants. Our use of napalm fire, with burning too hideous to contemplate, must be condemned, especially when it is carried out by the representatives of a sophisticated civilization against innocent people who have barely emerged from a tribal society. The use of defoliants, too, burning not military stores but the granary crops of the civilian population, is still another violation of usage under the laws of war.

Then there are the minor shabbinesses that disgust those of us who believe in the nobility of American tradition. We note the conviction of military officials for corruption at the PX stores. Also, we note the report—and General Ridgway has mentioned this matter—the officers in Vietnam have a 50 percent ratio for earning valor medals whereas the lowly draftees in the jungle show a medal ratio of only 10 percent. We hear of soldiers broadcasting the military news, who



gave up their jobs because they wouldn't be party to perversion of facts. Finally, we now learn that something like a fifth of our men are addicted to drugs, the worst kind of drugs. Obviously this manifests their wish to escape from a war and a situation so thoroughly degrading to a nation such as ours and to themselves as human beings.

Finally, we should review the hypocrisy and self-delusion at the highest levels in our civilian and military leadership that led us into this frightful war and seems to be keeping us in it still. For example, I allude to the myth that we are fighting Communist aggression. History will never charge those Vietnamese who came from the north into South Vietnam in the early sixties—many of them were born in the south—with committing aggression, while at the same time saying our American forces coming 10,000 miles from home were not aggressors. All the fine print in the treaties cannot obscure the common justice and fairness that history will have to recognize.

Consider our rationalizations about the Geneva Conventions, the SEATO Treaty, and other supposed commitments that have been applied as justification for our incursions in Southeast Asia. It should be noted that the repeal by Congress of the Gulf of Tonkin resolution at the end of last year specifically set aside the invocation of the SEATO Treaty as a justification of our Vietnam involvement. Moreover, the SEATO Treaty, which was itself a contradiction to the intent of the Geneva Convention, did not require us to take any specific action. It was the woeful judgment of our leadership that caused us to take the wrongful actions that we did.

While I have castigated the evil and the shabbiness of our Vietnam performance, I would never for one moment degrade the courage and sacrifice by 45,000 American dead and 200,000 wounded American boys. They were true in all respects to the task laid before them. We can only hope that their sacrifice will have taught us better, so that we do not make the same mistake again. For the problem in Vietnam is the problem of a people spurred on in the revolution of rising expectations. They cannot be crushed or defeated. The struggle and the problem is the same in scores of other underdeveloped nations. We would be well advised to take the lesson of Vietnam to heart, so that we do not elsewhere repeat our hideous mistake again.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you, Congressman Dow.

Congressman Dow, one thing has always interested me about the American response in Vietnam. No matter how inept or wrong spokesmen for various administrations have been in predicting military success, this sorry record is only equaled by the failure of opponents of the administrations to predict the response of the other side to any peace initiatives.

I therefore ask you, in your opinion, what should give us confidence now that no matter what we do or, if we should now have a cease-fire or a resolution to withdraw at a date certain, what confidence do we find that the other side may find it interesting enough to do something on their part. Would they finally see the light at the end of the tunnel, or would they plug up that light yet again?

Mr. Dow. Mr. Chairman, I cannot speak for other peace advocates but I don't think I myself have ever asserted that the other side would offer a counterproposal or react in any agreeable fashion to our efforts to end the war. I think the position that I represent and probably some

others, is that we have made a terrible mistake here—we have done vast damage to Vietnam, we have injured our own economy in the most serious fashion, to say nothing of the cost and loss of life and that really we have to look at this as an error that must be corrected by ourselves.

I myself don't put much credence in negotiations. I would say that we owe it to the Vietnamese people whom we have beaten so badly, apparently so badly, and to our own people to get out under our own steam. To be frank with you, Mr. Chairman, it is a little bit shameful for me and for most of us, I think, to be watching this great Nation year after year, month after month, waiting for a tiny little group like Hanoi to drop a handkerchief or give us some sign or do something nice so that we can correct the course of our own destiny. It seems to me that this country is great enough to handle its own destiny, and when we are on the wrong path so far as we are concerned, for goodness sake let's change the path irrespective of what kind of reactions that little country over there might choose to apply.

Mr. GALLAGHER. I quite agree with you in the effect on our own country, and in what our own responsibilities are.

I asked that question because on page 2 you say, "This offers a golden opportunity to involve them in a cease-fire, and disclose the fact that Buddhist and other thinkers in Vietnam point out the lackadaisical fashion in which the war is conducted.

That, of course, was one of the primary objections to Mr. Diem. Have we not been involved with Buddhist factions and others in Saigon that they may be neutralist enough to find a political accommodation with the other side which also has a vital interest in South Vietnam? Of course we learned that did not happen. In fact, neutralist participation in the governments following Diem did not create the balance required for national support. I just wonder whether or not we have learned any lessons at all.

Mr. Dow. It is very clear, Mr. Chairman, at least in these New York Times revelations and several other places, they say that our top officials talking among themselves said we must avoid neutralist connections and accepting neutralist views because this only leads us down into the hands of the Communists. That is about what they said. So we have doubtless been a party, you might say, to the arm's length treatment of Buddhist thinking, neutralist thinking in South Vietnam, and it is pretty hard for us now to recapture that connection if we would like to. I sincerely hope we can.

Mr. GALLAGHER. I would hope that we could recapture that, if it ever really existed. Of course, that was the obvious and paramount thinking in the decisions to no longer support Mr. Diem. We decided to involve Buddhist thinking which was proved more resentful of the government, which was part of the positive effect with regards to the escalation of the U.S. commitment.

Mr. Broomfield.

Mr. BROOMFIELD. No questions.

Mr. GALLAGHER. Mr. Wolff.

Mr. WOLFF. I have no questions of Mr. Dow, although I'm very happy to see him here. He has opposed our participation in the war and perhaps the latest revelations that have come from the Times lend great credibility to the incredibility that existed prior to this time.

Mr. Dow. Thank you, Mr. Wolff.

Mr. GALLAGHER. Mr. Mailliard.

Mr. MAILLIARD. No questions.

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

I appreciate your interest in getting us disengaged in Vietnam. I refer to H.R. 8955 which I presume you want us to report out and take action on. One of the things that concerns me here is that the legislation would seem to eliminate all U.S. military aid to all the countries listed. I wonder why you oppose military aid, for example.

Mr. Dow. Well, I feel myself that part of our great mistake in Vietnam was becoming involved militarily in that part of the world. Whoever possesses that part of the world is in no position to do us any damage and we are in a part of the world where, as I said in my statement, the revolution of rising expectations is occurring in every nation, and for that reason I think that we should keep out of it and let them evolve their own evolution or revolution or whatever it is they want.

By our providing military aid or military presence there we tend to align ourselves with the status quo and try to sit on the lid. That is our big trouble, we are trying to sit on a lid here all over Southeast Asia when there is a tremendous hydrostatic pressure building up from the grassroots that just puts us in competition. So why should we want to have military aid provided for those countries? It is inconceivable to me. I think it is an extension of America's role as a world policeman far beyond what is called for as a matter of our needs.

Mr. DU PONT. I can understand your inclusion of Thailand, for example, inclusion in terms of the military operations that are being conducted from the air bases in Thailand against South Vietnam—but are you suggesting that we should not give military aid quite aside from the Vietnam conflict to any nation? Would this extend to nations in South America, in Europe, and in the Middle East that want our assistance to repel aggression from the outside?

Mr. Dow. Well, I think that every case is different. Mr. du Pont. One of our troubles in this foreign policy generally and in Vietnam is that we make generalizations that we intend to do this and we intend to do that. I think every case is different. Now in the case of Southeast Asia we have this situation: That we have got a ring of bases around China. Starting with our big base in Thailand we have one at Cam Ranh Bay, we have them in Taiwan, we have them in Korea, we have them in Japan, we have them in the Philippines—a ring of bases around China.

And it seems to me that it is inevitable that as China develops that we are going to have trouble with her because she is going to want to shake off this iron chain. To me the advantage of our having those bases is not worth the incitement of enmity in China that it creates, and if we ever have a confrontation it will not be so much because China is aggressive as because they want to shake off what they think is around their neck and amongst those chains I include the air base in Thailand.

Mr. WOLFF. Would the gentleman yield?

Mr. DU PONT. Let me make one comment and I will yield.

I think that I worry about your legislation because of the broad scope, and I don't think I agree with you that military aid exclusive of the Vietnam problem should be abandoned all over the world. I

think it is very important—maybe we disagree again here—that the United States not have ad hoc foreign policy, that we have a rational thread that runs through our foreign policy to all nations.

I appreciate your comments and your testimony.

Mr. WOLFF. I thank the gentleman.

I just read from a statement of the permanent mission in Thailand to the United Nations, the release issued on May 7, 1970. "Thailand did not ask the United States to send its Armed Forces to be on our territory."

This should be part of the record, the fact that Thailand did not request the assistance of the United States but we requested them to accept our forces.

Mr. DU PONT. Would the gentleman yield in turn?

Mr. WOLFF. Yes.

Mr. DU PONT. Mr. Wolff, I think what you say is correct but I think it puts a gloss on the situation that is not quite accurate. In regard to bases in Thailand for operations in Vietnam, large air bases, I think you are correct. But Thailand has requested other military support under the MAP program consistently and we supply it.

Mr. WOLFF. I agree with the gentleman so far as I support the assistance to Thailand. However, just for the purpose of the record I felt it was important to indicate, I think, that this is a statement made directly by the Times issue and it indicates, I think, that although they ask the question, assistance in the form of military procurement assistance, they did not request any people be sent there.

Mr. GALLAGHER. You may respond to that, Mr. Dow, although I am not sure it has anything to do with your testimony.

Mr. Dow. In a sense I think it reinforces the point I was making and I thank my colleague from New York for those kind words. I think that any military bases that we have in that part of the world are a liability, they are like a thorn in the Asiatic body politic that will continue to fester until they are cleaned out, and it seems to me an utter futility for us to be involved in that part of the world in a military way.

Mr. GALLAGHER. Have you not left out one base in Pakistan, a dandy little military presence which has contributed so much to humanity?

Thank you.

Mr. Dow. Thank you, Mr. Chairman.

Mr. GALLAGHER. Just a minute, sir.

Mr. HALPERN. Mr. Chairman, unfortunately I could not be here to listen to the witness that gave testimony so I am not in a position to question the points he raised. However, I do want to compliment my very able and distinguished colleague from New York on his testimony and I am sure he made very valuable contributions to the dialog.

Thank you, Mr. Chairman.

Mr. Dow. Thank you, Mr. Halpern. I realize that you have sentiments perhaps not exactly like mine in detail but you are known as one who has raised serious questions about the war which I believe is helping us to speedily arrive at a peace, and I want to thank you for your part in that effort.

Mr. HALPERN. Thank you.

Mr. GALLAGHER. Thank you very much, Mr. Dow; we appreciate it.



Our next witness is a colleague on the Foreign Affairs Committee, Congressman John Buchanan, a Republican of Alabama. Congressman Buchanan has been an eloquent spokesman for his constituents since he came to the Congress in 1964 and has been a valued member of our committee.

You are regarded very highly by us all. I understand you have no prepared statement, Mr. Buchanan, so if you will give your testimony.

**STATEMENT OF HON. JOHN BUCHANAN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ALABAMA**

MR. BUCHANAN. Thank you, Mr. Chairman.

I certainly hope that the performance lives up to your very gracious billing.

Since I have no prepared statement, for which I apologize to the subcommittee, I would appreciate your permission to revise and extend my remarks.

MR. GALLAGHER. Yes.

MR. BUCHANAN. First, Mr. Chairman, I would commend you and the members of the subcommittee for your pursuit of this subject, the holding of these hearings and your consideration of the resolutions which are before you. It was my privilege to serve on your subcommittee for some 4 years and, as a member of the full committee, it has been my privilege to listen concerning Southeast Asia, to make a couple of trips to Vietnam, to come in contact with many officials of that country in both the legislative and executive branches, and I appreciate very much this opportunity to make an input into your hearing.

Mr. Chairman, there appear to be a good many people who take it for granted at this point in history that the involvement of the United States in Vietnam and perhaps even Southeast Asia is immoral and wrong. Much has been made of a poll which allegedly shows that some 73 percent of all Americans now consider our involvement in Vietnam militarily to be a mistake.

That same poll reveals some other things which have not been emphasized and which modify somewhat even what that poll showed to be the American attitude. But there was a poll taken at the same time which I would ask permission to be included in the record at this point, a Princeton poll. I have in my hand a news report concerning it and the report itself which showed somewhat different attitudes on the part of the American people than those revealed by the Gallop poll, to which much reference has been made in connection with the American people's attitude on this subject.

This poll shows 72 percent of the people "support President Nixon in his plan to end the war in Southeast Asia" and some other things. I would ask unanimous consent to include this poll in the record at this point.

MR. GALLAGHER. Without objection.

(The poll follows:)

## NEWS FROM OPINION RESEARCH CORP.

(International Headquarters: Princeton, N.J.)

## PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1-2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a Communist take-over.

3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. *By almost seven to one*, Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

## OPINION RESEARCH CORP.

(International Headquarters: Princeton, N.J.)

## DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

PRINCETON, N.J.: The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take-over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

Seventy two percent of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it meant a Communist take over of South Vietnam*, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam*.

Eleven percent of those polled would favor such withdrawal and 14% had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes -----	68
No -----	20
No opinion-----	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist takeover of South Vietnam?"

Yes -----	29
No -----	55
No opinion-----	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes -----	11
No -----	75
No opinion-----	14

Mr. BUCHANAN. It may be that those who had responsibility for the decisions that were made which led us into a rather massive military involvement in Southeast Asia, which was the case when the present administration came into office—it may be those decisions were in error, but, in my judgment, if this is the case, they were mistakes made in good faith by men seeking to do right by this country and its people.

Perhaps the domino theory is invalid and incorrect. Perhaps there could have been the turnaround in Indonesia, the protection of some hope for freedom and self-determination in the rest of Southeast Asia. Perhaps such governments as the Republic of Korea and the Republic of China could have stood firm whether or not we involved ourselves in Vietnam. But if these judgments concerning the accuracy of the domino theory were involved, they were at least made in good faith by men who love this country and were trying to follow the right policies in my judgment.

I think before we judge too much about the morality of our involvement we ought to take a little look at the nature of the Communist forces in Indochina and I would recommend highly to the subcommittee the books of Dr. Tom Dooley, a very distinguished Navy doctor and later Catholic self-styled medical missionary in that part of the world and some of his testimony concerning the nature of the Communist forces in Indochina, the absolute brutality and inhumanity of their methods.

I recall a single incident of a school in which the teacher made a remark critical of the Communists and a short while later they were visited by Communist forces. The teacher's tongue was pulled out by a pair of pliers and then severed from his body. One of the students was chosen at random and a sharp implement, I think a chopstick, was driven through one ear and out the other as an example to the rest of the students of what happens to people who listen to remarks that are critical of the Communists.

I think the subcommittee might consider what happened at Hue in 1968 in the massacre of some 5,000 people when the Communist forces thought they had taken over that city for good. I would call to the attention of the subcommittee the testimony of one of the Government experts in the Defense Department, Douglas Pike, and his estimation of the number of people who would now lose their lives should the Communists take over South Vietnam. He estimated some 3 million. In the example of Hue, first the people who had opposed the Communist forces were put to death and then, in typical Communist

fashion some larger groups were, by classification exterminated. These were people who would not fit in with the new revolutionary society. And then finally witnesses were put to death in the hope that the story would not be told.

I would ask unanimous consent for his article to be included in the record at this point.

Mr. GALLAGHER. Without objection.

(The article follows:)

[From the Congressional Record, May 21, 1970]

# VC WOULD LIQUIDATE 3 MILLION IF IT WON, U.S. EXPERT CONTENDS

(By Robert G. Kaiser)

SAIGON, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Vietcong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Duc, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 Massacres at Hue.

"It would not be worth while nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

"If there still be any at this late date who regard them as friendly agrarian reformers," Pike writes, "nothing here (in his paper) could possibly change that view."

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnappings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanation are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."



According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus. . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, rallies and intercepted messages at the time confirms this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggested.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

Mr. BUCHANAN. However immoral or moral our role may have been in this situation, I think it is inescapable that the forces with which we are confronted are forces marked by an inhumanity and a barbarity that to the American people would have to be most repugnant. I would point out that if one can challenge whether or not North Vietnam is guilty of aggression against South Vietnam, it would seem quite clear in Cambodia and Laos that there has been definite Communist aggression from North Vietnam.

Whether or not, however, our judgments were right in years past, whether or not America should have become involved at all in Vietnam and Southeast Asia, whether or not we should have had massive American troop involvement, whether they should have followed limited war, no-win, rather than MacArthur-like all-out, military policies aimed at military victory—whether these things should have taken place at this point become in my judgment secondary questions.

When this administration came into power we were involved in Southeast Asia. We did, in fact, have over a half million soldiers there. We were committed to certain policies and there were already many thousands of casualties. The problem then became how honorably, rationally, can we extract ourselves from the situation in which as a matter of historic fact—historic fact for which the present administration had no responsibility whatsoever—we were already immersed. How shall we withdraw ourselves from this situation and arrive at a condition of normalcy and of peace?

Now, I say this not in a partisan way. I would commend this subcommittee for its historic bipartisan position and thus far the bipartisan stand it has taken on this question during the present administration. I want only to say as a matter of fact that this administration had responsibility only for what has happened since early 1969, and at that point we were already deeply involved.

Now, what has happened since then? President Nixon has indicated we are moving from an era of confrontation into an era of negotiation as a basic foreign policy thrust. He has a few months after he came into office come forward with what has come to be called the Nixon doctrine in which he has said we will seek to avoid involve-

ment such as in Korea and Vietnam, American combat involvement in Asia.

He has said we will seek in the future to lower our profile while providing a nuclear umbrella and military and economic assistance where we have commitments or where we consider nations vital to our own security. We will seek to avoid combat involvement and substitute economic and military assistance for this in the future. We will lower our profile and become a partner in Asia and not a dominating force.

In Vietnam he has implemented his plan of Vietnamization and phased withdrawal. One can get conflicting reports about how Vietnamization is going but I have one in my hand from June 14, 1971, from the Office of the Secretary of Defense which I assume has been sent to the offices of all Members but which I would ask unanimous consent to be included in the record at this point which paints a picture of success of the Vietnamization program.

Mr. GALLAGHER. Without objection.

(The report follows:)

#### PROGRESS IN VIETNAMIZATION

There are three distinct phases to Vietnamization :

*The first phase* consists of turning over to South Vietnam the ground combat responsibility against VC/NVA forces. Completion of Phase I is expected by this summer, although American ground combat forces will remain in a security role to protect US forces as Phase II progresses.

*The second phase* consists of developing within South Vietnam the air, naval, artillery, logistics and other support capabilities necessary to maintain effective independent security. Phase II has been in process concurrently with Phase I, but it will take longer to complete because of the complex training involved.

*The third phase* will consist of reducing the American presence to a military advisory mission, together with whatever small security forces are needed to protect this mission. Further reductions of our assistance and advisory presence will then continue, under the Nixon Doctrine, as South Vietnam continues to grow in national strength and self-reliance, until no more US military presence is required.

*Vietnamization is contributing to the continuing development of the nation*

Military operations have contributed to increased security in the countryside.

Results of security are visible in two ways :

1. Increased GVN presence in the countryside.
2. Improvements in the life of the people.

Military activities continue to be Vietnamized :

Majority of US ground units have been withdrawn or have entirely vacated approximately 75% of the operational areas in which they were originally deployed.

Major US fixed base facilities have been turned over to RVNAF by May 1971.

Attack sorties by USAF in SVN decreased 46% between 1st Qtr CY 69 and 1st Qtr CY 71.

VNAF attack sorties increased 65% during same period.

Currently, 55% reduction in overall troop strength : 349,500 to 247,200.

63% reduction in overall US troop strength as of 1 Dec 71.

*Pacification programs continue during Vietnamization*

Regional Forces have increased 48% since June 1968 and have relieved ARVN for combat duties.

Popular Forces increased 51% since June 1969 :

Organized and trained by platoons under operational control of village chiefs.

Over 95% of platoons now fully trained, equipped with modern radios and armed with M-16 rifles. Platoons will be recycled through training phase as all are completed.

Over 50% of all PF engagements with enemy units are now at night. Large Peoples Self Defense Force being formed for village/hamlet security.

Ultimately, over 25% of nation's population will be in PSDF.

National Police being expanded for two roles:

Pacification (Field Forces, Special Police, Marine Police).

National Development (Uniformed Police) now over 79,000 in June 1968 to 114,067 May 1971.

Uniformed Police now assigned to 75% of all villages. Bulk of police increases in 1971 will be at village and hamlet levels.

All of above military and paramilitary measures contribute to visibility of GVN presence in the countryside and provide security for other activities which improve the environment in the countryside.

*Increased security provides impetus for greater national development*

Local government activity continues to increase at lower levels.

Special administrative training has been provided to over 40,000 village officials.

Approximately 75% of the 267,500 acres of land redistributed to the people during the past two years has been turned over during the past 12 months.

Industrial production index, after dropping 30% in 1968 because of Tet, has rebounded to 15% above the pre-Tet figure.

Increases in farm products grown and marketed.

New rice strains provide 150% increased yields (5 metric tons/hectare compared to 2 of local).

Net increase last season was 132,000 metric tons above previous season.

Estimate for this season is for net increase of 900,000 MT.

Over 500,000 acres now planted with new rice compared with 304,000 last season and 110,000 in 1969.

*Upgraded and more secure lines of communications aid both military operations and economic growth*

2,472 miles of the 3,684 mile National and inter-Provincial highway system is being upgraded. 67% complete.

25,000 meters of bridging being restored or repaired. 60% complete.

Of the total road network of 12,500 miles. 72.4% is secure.

74.3% of all waterways and canals are secure.

Security of railway system has increased from 27% to 64% since July 1969. (Approximately 58% of railroads are secure)

*Health facilities (civilian sector)*

Approximately:

1,800 physicians

230 dentists

Equates to approximately one physician (Vietnamese) for each ten thousand people.

Over 20,000,000 immunizations (smallpox, cholera and plague) were given during past year. (20% increase from previous year.)

Clinical laboratories now available in 44 provinces.

Medical training for Vietnamese (in-country) should provide 25% increase in output of graduates within two years.

191 physicians and 33 dentists graduated from the University of Saigon medical training in 1970.

1,400 military medical personnel have been released from the Armed Forces for use in the Civil Sector.

*Education for all school age children is now a foreseeable goal*

Over 2,500,000 school age children now enrolled in schools. (85% of estimated total.)

Enrollment in secondary schools increased 23% during past school year. Number of secondary school teachers increased 20%.

Over 45,000 students now enrolled in the five Universities and five Normal schools.

Mr. BUCHANAN. Now before this administration came into power, what the Vietnamese people had already achieved was remarkable, accurately measured, in the creation of a republic in which the government is based upon a constitution drafted by representatives of the people and ratified by the people which establishes a tripartite system of government providing for elected legislative and executive branches and an independent judiciary, which they now have.

If we are to properly measure what they have been able to accomplish in the many elections that have been held on the local level despite the Communist atrocities which have been repeated and repeated, if we are to properly evaluate what they have done in their economic reforms and land reform, we must look at this history of Vietnam as very much a subject people for so long. We must look at the inexperience in self-government and the lack of leadership left by the French there. We must also look, I think, at America in the 1780's and not in the 1970's, and compare in this way where they stand. In light of this, I think it is a remarkable achievement already that this republic has made in the beginning, the infancy, at best the adolescence, of a government that is at least somewhere democratic and at least is not as totalitarian or as oppressive as that of any Communist government in the world, including that in North Vietnam.

If, in fact, the President is committed—and I think that the DOD report and other reports make it clear that we are committed—to a clear policy of withdrawal, one that is already well underway: more than half the force is gone now, many more forces will be gone by the year's end, and all eventually will be scheduled to be removed. This administration has a phased withdrawal policy, and in light of this fact and of the Nixon doctrine and of the new effort of this administration toward the achievement of an era of negotiation, I would respectfully advise the committee to take great caution in reporting out any of the bills which have been offered or any action which you may take.

Now, were there no withdrawal policy in progress, were there no hope within Vietnam for the self-determination which alone the President has prescribed as a condition of peace, were the situation unchanged, perhaps some action would be in order by this committee. Mr. Chairman, I would very simply make this word of advice to the committee. In a recent issue of *Psychology Today*, the cover article, the cover title, had these words: "Don't just do something," Buddha said, "stand there."

"Don't just do something," Buddha said, "stand there."

Mr. Chairman, there are people in the Congress and out of it, clamoring for some dramatic action by the Congress, but I would point out that the one person most decisive toward leading us to peace is the President, and he has a plan, and it is in progress, and it is working. I would therefore say to this committee, I would hope you would resist the temptation to do something, anything, to indicate your concern which I know you feel, your desire for our getting out of this situation which we have found ourselves in, which I am sure is there.

I would strongly urge that perhaps the policy which might best bring the generation of peace which the President seeks, which this committee might take, is to follow the historic bipartisan policy of our committee, and to take no action which might threaten what is now being done, indeed to resist the temptation simply to do something



and rather to stand there—stand in support of the President who is seeking to lead us to peace, stand in support of the policies that are working, and take no action which might threaten or hamper or limit those policies.

So, Mr. Chairman, as a matter of balancing the record, and I apologize for the time I have taken. I strongly urge this great committee, showing the wisdom of the American people which placed the members of this distinguished subcommittee in the Congress in the first place, to simply stand there in support of an administration which is giving leadership that is worthy to be followed.

Thank you.

Mr. GALLAGHER. Thank you very much, Mr. Buchanan, especially on that last paragraph.

I want to thank you for making a fine presentation and highlighting many of the points that must be remembered in any consideration of the tragedy in which we are involved. It is always well to be reminded that most people castigate only the American position.

Congressman, the statement which you improvised certainly shows why you are such a successful and respected member of the clergy. Therefore, I would direct my questions to you somewhat along those lines. They relate to your theological knowledge and to the knowledge of the attitude of your own people, your constituents. They refer to the basic morality of what the United States has tried to do in Indochina, indeed in many parts of the world. Whether or not Vietnam has been a total American failure, history of course will decide that.

We are interested in the present and how to get out. Do you see a continuing role of what we have traditionally called the American moral influence in foreign affairs or has that been washed out, in your opinion, in the need to protect the American interests?

Mr. BUCHANAN. Mr. Chairman, in the first place I think the world is more critical of us than perhaps of the Soviet Union or many other countries because the world expects more of us than from any other nation, and I have heard this in talks with Asians and other people from around the world. I think many people have been concerned for many reasons about our policies in Vietnam but I think the world recognizes that in essence we have sought no territory, we have sought no colonial empire, we are not trying really to dominate other peoples. That charge has been raised but it is on its face, I think, invalid.

What we have cared about historically in the Marshall plan in Europe involving ourselves in Europe in World War II and before and what we have cared about in Asia is freedom and self-determination for other peoples. We have been guilty of benign hypocrisy in my judgment in these and in other actions we have taken in explaining things in terms of our national interest when our real interest as a people has been in helping other people to be free or to know a better way of life.

I think as one of our foreign visitors once said, "America is great because she is good." I think that this is still recognized in many places in the world and it is still true of our Nation. In Vietnam itself may I say, Mr. Chairman, all war is ugly and evil and immoral and wrong and I would not challenge that statement but it is a complex and not a simple moral choice where one believes he has a commitment to a weaker neighbor which neighbor is attacked by an aggressive force

which may injure or destroy that neighbor where we have the force and the power to come to his assistance.

In our judgment and belief we have a commitment to do so. Even though I may have no right to defend myself against an attack as a Christian I have, perhaps, as many Christians have believed throughout Christian history, an obligation where my neighbor or his helpless child is attacked to come to their defense. And given this difference it is a complex moral question.

So if our involvement is in fact immoral and wrong, it is that all wars are immoral and wrong. But perhaps the judgment has been too quickly made that when we have come as we believe, to fulfill a commitment and have come to the rescue of a helpless neighbor that in our judgment is being attacked by a very vicious force, that this is in itself immoral rather than moral and responsible and right.

Mr. GALLAGHER. Mr. Broomfield.

Mr. BROOMFIELD. Mr. Chairman, I would like to join with you and commend our colleague. He is a great Member of the House with dedication and sincerity—this cannot be questioned.

During the questions and in the course of the last few days on the floor there have been many suggestions about how best to get out of Vietnam. Some have advocated that if we get out right away our prisoners of war will be released automatically from North Vietnam. How do you feel about that? Do you trust the Communists?

Mr. BUCHANAN. The Communists, as the gentleman well knows, look upon negotiations in the first place as another battlefield. I wish we could understand that as a country and certainly as a government. There has been such a clamor to get them to the negotiating table. Well, that is a new battlefield where they try to win battles they have not been able to win militarily.

No, I think they will use cynically our prisoners of war as a weapon, as a pawn, in any way they can for as long as they can and will try to get us to give them all the things they most want while still leaving it to be negotiated or to their virtue that our prisoners of war be returned. If we fall into this trap, I think we will be acting against their welfare rather than on behalf of it.

Mr. BROOMFIELD. How long do you think we ought to continue to support South Vietnam with residual forces?

Mr. BUCHANAN. In my judgment we will not have to have residual forces in South Vietnam for such an extended period of time as has been true, for example, in Korea—at least we have left them, whether we have to or not, for this length of time. I will point out, if it comes to that, if you look at the strength and the vitality of the Republic of Korea over against the level of forces which we have left there and how much better that is for us and for the world than a Communist South Korea under the irrational Government of North Korea, if you had that choice to make I would say the residual force has been much the lesser of evils or no evil at all. I don't think that is going to have to be the case in Vietnam but if some small residual military force has to be left for some time, then I would say it would be a good investment.

Mr. BROOMFIELD. Should the North release or at least agree to release our prisoners, do you feel we could get out right away?

Mr. BUCHANAN. Well, unfortunately there is a psychological thing that is very difficult here. In my judgment it would be a mistake to disregard all other interests and say we will give you everything in exchange for the prisoners. Now that may sound like a hard statement but after all we do have a responsibility to the thousands who have died and to the many others who have fought and been wounded there in addition to the prisoners of war.

In my judgment while we should make every effort to obtain their release and insist upon that release and obtain it, I think there is more than this that is involved there. I personally think that by the time the North Vietnamese release the prisoners of war the South Vietnamese will be in a position where we could withdraw. But I think that there are other factors that we must take into consideration, including that basic right of self-determination and the fulfillment of the step by step Vietnamization program which has thus far succeeded. I may be a minority of one.

Mr. GALLAGHER. Let me say this, Congressman Buchanan. We have been studying many of these resolutions with various conditions attached to them and one depicts a date of withdrawal based on the turning over of prisoners. I think that is very noble and something that we all desire. I firmly believe that this subcommittee would vote it out immediately if the war could end on a withdrawal at a fixed date and the prisoners were turned over.

I think you have put your finger on the pulse of the prisoner issue. They will be a pawn until the last results the other side may want are extracted. I personally do not believe that prisoners of war will be turned over until we hand them President Thien's head on the last M-16 that will be in Vietnam. So I think it is a tragedy for the dependents and relatives of the POW's that false hopes have been raised.

Anybody who thinks out the problem knows that this is the greatest power that they hold and will hold against the United States to bring down a government or to impose any other condition that they want. So that gets confused in it and troubles this subcommittee in its work in trying to find the right way to proceed with these resolutions. So I thank you very much.

Mr. BUCHANAN. Thank you.

Mr. GALLAGHER. Mr. Wolff.

Mr. WOLFF. I thank you, Mr. Chairman.

I join with my colleagues in complimenting our colleague's sincerity of deep moral convictions that he has displayed all of the time that I have witnessed his activities here in the Congress.

I feel that I must balance a statement that was made by you. You have offered a statement by Dr. Dooley into the record, and at this point I would like to enter into the record a statement by the Reverend Theodore Hesburgh of Notre Dame University. I would like to quote that for a moment, if I may.

Mr. GALLAGHER. Do you have a Buddhist?

Mr. WOLFF. He stated:

\* \* \* our original involvement there was a mistake. Now more than 40,000 ended American lives later, and after 250,000 wounded Americans, and about 120 billion dollars of expenditures on death and destruction, most of us are willing to concede that what we have won, if anything of real substance, is not



worth the expenditure of so many lives and so much of our resources that might have been more humanly and more fruitfully expended elsewhere at home and abroad.

He goes on by saying that:

Whatever one says about the silent majority, I take it as a fact of life that most young people—those who bear the actual burden of being wounded and dying—do not see America's brightest future identified with this military adventure. One great need of this Nation today is for unity of purpose, clear priority of values, lofty vision regarding where we might go together. Vietnam runs counter to all of these present desires. It has divided the Nation—those favoring the Vietnam war being mainly those who have had and will have no part in the suffering and the dying—an easy option. It has drained our young life, in death and mutilation; it has wasted resources desperately needed in our Nation and around the world for much more serious problems \* \* \*

I would like to ask unanimous consent to enter this into the record, Mr. Chairman.

Mr. GALLAGHER. Yes, without objection.

(The statement follows:)

REMARKS OF THE REV. THEODORE M. HESBURGH, O.S.C., PRESIDENT OF THE UNIVERSITY OF NOTRE DAME, SPEAKING AT A STUDENT-SPONSORED RALLY HELD MAY 4, 1970, TO DISCUSS U.S. ACTIONS IN CAMBODIA

There has probably been no moment in modern history when our country has been more divided regarding its priorities and policy than at present. The reason for our assembly today is the most recent of a long and lugubrious series of decisions regarding the involvement of our country in Vietnam. I am reasonably sure that I speak for most of you in judging that our original involvement there was a mistake. Now more than 40,000 ended American lives later, and after 250,000 wounded Americans, and about 120 billion dollars of expenditure on death and destruction, most of us are willing to concede that what we have won, if anything of real substance, is not worth the expenditure of so many lives and so much of our resources that might have been more humanly and more fruitfully expended elsewhere at home and abroad. It is easy to judge the past, through Presidents Kennedy, Johnson, and Nixon. Curiously, it was our Army-General President Eisenhower who refused initially to get involved. Since then, we have under three subsequent Presidents edged into the quicksand and consistently sunk deeper.

I cheered when President Johnson declared an end to the bombing and opened up the Paris talks. I cheered again when President Nixon announced the withdrawal of our soldiers. I had hoped that the time schedule would be quicker, but at least this was a beginning and I took it that we were committed, as a Nation, to end this fruitless war.

Then came last week's decision to take yet another step into the quicksand. I have carefully read and re-read the President's statement and recognize both his sincerity and his courage in deciding as he did. I do not agree with him, although he knows more about all this than I do and he has the responsibility of decision. Let me tell you why I do not agree.

Whatever one says about the silent majority, I take it as a fact of life that most young people—those who bear the actual burden of being wounded and of dying—do not see America's brightest future identified with this military adventure. One great need of this nation today is for unity of purpose, clear priority of values, lofty vision regarding where we might go together. Vietnam runs counter to all of these present desires. It has divided the nation—those favoring the Vietnam war being mainly those who have had and will have no part in the suffering and the dying—an easy option. It has drained our young life, in death and mutilation; it has wasted resources desperately needed in our nation and around the world for much more serious problems; it has cast us as a nation in the character of a pariah, supported in our aims by almost no one of importance in the world's opinion. We have paid for mercenaries, but they merit no other title.

I cringe to seem to malign our dead—may God rest them and console their families. At least their full sacrifice of life has demonstrated to us that never again must we engage in such a senseless endeavor. If only this has resulted, we



all may thank them for their enormous contribution to our education as a nation and to the saving of many thousands of future lives.

Regarding our war prisoners, we can only commit ourselves, at whatever cost, to their safe return. We owe them nothing less than our complete dedication to their return as long-suffering and long-forgotten heroes.

What do we do now? I suspect that most of you, like myself, have already indulged yourselves in revulsion and anger at the announcement that we are now widening, rather than narrowing, the war, even while recognizing that the North Vietnamese widened it first. I have tried to understand the recurrent military logic that the war must be widened to be narrowed, but, with all the good will in the world, I fail to follow a logic that has grown more barren, more illogical, more contradictory, and more self-defeating in promising victory through defeat. In fact, the very terms victory and defeat have become a triumph of unreason. Military logic reached its high point when we were told of Vietnamese villages and villagers: We had to destroy them to free them.

As one lone American citizen speaking only for himself, I would rather be honest in admitting that this whole endeavor has been a nightmare and a travesty of what we stand for as a nation (My lai, for example, was the nadir)—however innocently and naively it was conceived as it began. There comes a time in life when moral righteousness is more important than empty victory. Evil may be, and often is, completely victorious, but does one stand tall in such a victory?

All of us want to be loyal and patriotic—but we also want to be morally clean in the process. No one of us enjoys being ambiguously or doubtfully moral and right and just, however powerful we may be as a nation. Our real power and strength bear on spiritual values, justice, and honor. If our national conscience bothers us, we must stop, look, and ponder our future.

For all of you who are young, this pause comes with special poignancy. No one of you wants to be a coward, a traitor, or an ungenerous American. But if I read your conscience aright, neither do any of you want to be a partner to what you honestly conceive to be evil, unjust, or just plain wrong or idiotic.

What do you do? I have no inflammatory rhetoric to offer you. I must tell you honestly that violence here at home is the worst possible reaction to the violence you abhor in Southeast Asia. I must tell you that if the world is to be better than it presently is, you must prepare yourselves, intellectually, morally, and spiritually, to help make it better. Striking classes as some universities are doing, in the sense of cutting off your education, is the worst thing you could do at this time, since your education and your growth in competence are what the world needs most, if the leadership of the future is going to be better than the leadership of the past and present. Good leaders were never born of self-indulgence, or self-pity either.

This may seem rather undramatic advice to a generation that seeks instant answers to horribly complicated situations. As one of your elders, may I suggest that together we state our uncompromising revulsion to the course of this war and all current wars. May we commit ourselves with all the energy, talent, and dedication at our command to the cause of peace, with the hope and conviction that, as a nation, we stand ready to undertake whatever sacrifice and whatever creative initiative that peace requires of us right now.

If you want to put this conviction into words, may I suggest the following statement that I would be proud to sign with you and transmit to our President:

#### DECLARATION

As Americans, proud of our national traditions and committed to the best ideals of our country, we declare that we see these traditions and ideals best realized by not continuing our military operations in Vietnam, Cambodia, and Laos.

1. We favor the withdrawal of our military forces at the earliest moment and the designation by the Congress of an ultimate date for complete withdrawal.

2. We favor the most serious efforts to repatriate our American prisoners of war at whatever cost. The nation should recognize its deep debt to them and their families for their continued suffering.

3. We favor the use of our persons and our financial resources to rebuild a new and hopeful society in Vietnam and all of Indo-China that has known nothing but wars for so many years.

4. We suggest that the people of this whole area must ultimately make their own effort to achieve the kind of society that they want; that whatever the good will of our past and future efforts, it is the Vietnamese, Cambodians, and Laotians themselves who will create the conditions for peace and a better society, something that no force of arms or military imperialism from North or South, East or West, has yet created.

5. Most fundamentally, may we state our deep convictions that our national priorities today are not military, but human. Our nation is unnecessarily and bitterly divided on issues at home and abroad. If the war abroad can be quickly and effectively defused, then we can be united at home in our dedication to justice, to equality of opportunity, and to renewing the quality of American life—a task that will require our best personal efforts and even more of our financial resources than those squandered by us in recent years on a largely frustrating and fruitless venture.

6. Lastly, we realize that the above points would sound like empty rhetoric if we did not stand ready—as we do—to commit our persons, our talents, our honor, and our futures to help work for a better America and a better world in a peaceful and non-violent manner.

MR. WOLFE. I would like to go on and ask the gentleman a question. In his remarks he stated that the President in effect was winding down the war. We have suffered fewer deaths since the President has engaged in his policy and yet the number of deaths since the new administration has come in has been increasing totally on all sides rather than being reduced.

We find ourselves no longer in Vietnam, we find ourselves in an Indochina war. We now have Laos, Cambodia. No less an authority than Mr. Rogers said that the incursion into Cambodia has given new influence to Communist China. Now are we fighting for what we sought, to win the people away from the influence of the Communists, or are we pushing them further into their hands?

MR. BUCHANAN. Well, of course the gentleman certainly is entitled to his judgment as much as I to mine, but my judgment is that the Communists were unchallenged in Cambodia and the supply lines that run through Laos have never been challenged and we have accomplished some things militarily. I feel there are some in Vietnam and Cambodia that feel we have accomplished something for them in our hit-and-run enterprise into Cambodia.

The only reason there was not a wider war in Indochina, we had not done anything on the other side. The Communists had been there all the while and virtually taken over a good part of Cambodia and repeatedly made incursions into Laos so that certain clear military objectives which enhance the Vietnamization program and the withdrawal of our forces were achieved. These things in my judgment—

MR. WOLFE. On that score is it true or is it not true that a greater portion of both Cambodia and Laos are today in the hands of the enemy than they were before the war?

MR. BUCHANAN. Well, the Laos thing though has gone back and forth for years. I would only say that the Cambodians have shown a will to resist and at least the Communists who are unchallenged in Cambodia have now been challenged and it is much less clear that they can maintain a much more challenged route into Cambodia in the future. Our aim, as has been repeatedly stated, was primarily the enhancement of the Vietnamization and phased withdrawal program in Vietnam in our Cambodian and Laotian ventures. It seems to me that purpose has been served.

The gentleman mentioned casualties. I would like to point out that our American fatalities have dropped dramatically as has our troop

strength and as our combat role shrinks this trend will increase and fewer and fewer American lives will be lost in the months ahead. I am just certain that will be the case.

Mr. WOLFF. Some of the atrocities have been committed by the North Vietnamese and Vietcong. And I would say as well that we have to consider the fact that while we are winding down the war we seem to be winding up the casualties on both sides.

Mr. BUCHANAN. One must keep in mind the estimated 3 million whom the Communists would liquidate, exterminate, if they succeed in taking over.

When we succeed, however, in our disengagement, as in my judgment we are succeeding, as we proceed with that disengagement, which in my judgment we clearly are, then it is my profound hope that the casualties can greatly decline all over.

Mr. WOLFF. Thank you.

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Mr. Buchanan, before you get your briefcase put away, you must think my questions are going to be easy.

Mr. BUCHANAN. I know yours will be too difficult with all the papers in my possession.

Mr. DU PONT. I have one of the hard questions. You commented earlier in your testimony about getting aid to the people of various nations and once the war in South Vietnam is ended, or at least once the U.S. participation in it is ended, I for one favor continuing military and economic aid. In South Vietnam, Saigon and countries all over the world—Brazil and Greece just to name a few obvious ones—we have this terrible problem of aid that we have given not getting to the people. It seems to get blocked in various layers of officialdom, corruption, and heavens knows what.

Have you any comments or any suggestions as to how to deal with this problem? We should somehow be more responsive in getting our aid down to the people. That is a wonderful concept but in practical terms have you any suggestions?

Mr. BUCHANAN. It is very difficult to achieve. In any given country you have to deal with that country's government and it is almost unavoidable. The gentleman has laid his finger on a primary problem of foreign assistance which seems almost beyond solution. I would say, however, that the present government of the Republic of Vietnam is more responsive to the people as illustrated by the land reform and various other programs than any government that people has had for many years and hence there is some hope it will continue to be more so in the future.

There are forces for reform within the country, in the Congress of that country, for example. There are members very concerned about every kind of corruption and pressing for reforms and improvements and reactions which would make that government even more responsive to the people, and I think the corrective is there within the system.

Mr. DU PONT. Well, keep thinking on that, Mr. Buchanan, because we need some help.

Thank you.

Mr. BUCHANAN. Thank you, sir.

Mr. GALLAGHER. Thank you very much, Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman.



MR. GALLAGHER. Our next witness is Congressman Howard W. Robison, Republican of New York. Congressman Robison has introduced House Joint Resolution 462 which calls for irreversible withdrawals until all American Armed Forces have left Indochina.

During his many years in the Congress, Mr. Robison has gained a reputation as one of our most thoughtful colleagues and I am sure the members of this subcommittee will learn a great deal from the testimony today.

We are pleased to welcome you.

## STATEMENT OF HON. HOWARD W. ROBISON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

MR. ROBISON. Thank you, Mr. Chairman, for those extremely kind words.

Mr. Chairman and members of the subcommittee, your action in holding public hearings this week on the question of U.S. involvement in Vietnam is most welcome, and I am exceedingly grateful for this opportunity.

I have served in the Congress for 14 years now. All of us, I am sure, take great pride in such service. It is a rare privilege we share: To be members of what is one of the greatest, if not the greatest, legislative bodies in the world. During my years here, I have sought to uphold that tradition; perhaps I have not done so with distinction, but my every word and action has been dictated with that thought in mind.

Thus, it is with a troubled heart that I confess my keen sense of disappointment—approaching now a sense of shame—that this great Congress has been unable, since our action so many light-years ago now on the ill-fated “Tonkin Gulf resolution,” to express ourselves in any positive fashion on one of the most important issues of our time, the war in Vietnam.

I know the Constitution is, at best, fuzzy in defining our responsibilities in the field of foreign affairs. We cannot here settle that long-standing debate. Nevertheless, nearly every constitutional scholar has claimed that what was intended by the framers of that document—and that what has evolved over the years—is a sharing of responsibility.

It is time, way past time, we accepted our sharing of that responsibility; not by invading the clear prerogatives of the President as Commander in Chief; and not by attempting to dictate to him through in this instance mandated withdrawal deadlines or whatever in such a way as to tie the hand of the only person who, under present circumstances, can negotiate for us as satisfactorily as possible a conclusion of this war; but rather, instead, by searching among ourselves for a consensus—difficult and painstaking a task though that might be—as to what our national policy with respect to Vietnam, and former Indochina, ought to be in the months and years immediately ahead.

Perhaps such a consensus would have been impossible 2 or 3 years ago. At that time there were many who still believed that with a few more bombs, a few more troops, and a few more billions of dollars we could score a “victory”—a victory made, produced and directed in the United States. There are few such visions today, either in Congress or in the administration. What we all seek now is the most responsible way to end our involvement in this war. What the administration



apparently seeks is the continuation of a strong non-Communist South Vietnamese Government and the withdrawal of all or almost all of our troops.

What the more outspoken congressional critics of the war apparently seek is the end of our support for what they term an inherently unrepresentative government, and the immediate withdrawal of all our troops. What many "moderate" congressional leaders seek is a cease-fire, an atmosphere conducive to serious negotiating efforts in Paris, an exchange of prisoners of war, and the withdrawal of all our troops.

Lest we forget, this is a far narrower range of options than that which existed 3 short years ago. Then, as you will recall, the choice of options still included a heavy expansion of our ground troop commitment. Some still talked of a million-man American army in Vietnam. Some still talked of mining Haiphong harbor and carrying out a land invasion of the North. Some still whispered about introducing tactical nuclear weapons. We do not continue to consider such options now; and it is very much to the credit of this administration that, no matter what differences remain among the American people, the range of divergent viewpoints has thus narrowed so considerably.

This fact does not guarantee that we will leave Southeast Asia a united country; as a matter of fact, the odds are still weighted against that. But it does mean that we may leave Southeast Asia still talking with one another—and this is no mean achievement. And, again, insofar as the present administration has made this possible, it deserves our thanks and appreciation.

But doubts remain. Since agreeing on the shape of the negotiating table, the negotiators at Paris have agreed on nothing save the time periods in which to accuse the other side of bad faith and duplicity. The North Vietnamese have appeared intransigent, but our negotiating stance has hardly been "squishy-soft" either. In Vietnam itself, troops continue to come home, for which we are grateful, but no final withdrawal date has yet been announced and rumors of a large "residual force" float around Washington with regularity.

Meanwhile, the bombing continues—with reports indicating that 700 tons of bombs were dropped on infiltration routes below the demilitarized zone during last week alone—the American support of such as Thai mercenaries is apparently increased. Elections are soon forthcoming in the South, and we have pledged total neutrality, but President Thieu appears to be very much in the driver's seat. Coherent opposition to him has failed to develop, and that is not our fault of course, but then again one well-known political opponent of his sits in jail and a new election law seems to damage any chance Vice President Ky might have to qualify for the general election.

These doubts are reflected in the mail I receive every week from my district, and I am sure that I am not unique in this respect. I am sure that this subcommittee agrees that our major consideration should be how to resolve these public doubts. This is no time for aggrieved swipes at the present administration; our overinvolvement in Southeast Asia has been very much a bipartisan affair. It may have occurred under a Democratic administration but it had widespread Republican sup-

port. In the same vein, some of the strongest proponents of the present administration's strategy in winding down the war have been Democrats.

No, flaying out against someone or some political party is not at all needed. What is needed is good sound congressional advice to the President. There is no governmental body more sensitive to the people than the House of Representatives; we are on the firing line every 2 years and that fact teaches us to listen to the people. They are telling us now, at least in my judgment, that they want our policy defined; they want to see our goals from this point forward set forth in clear and unequivocal language; and they want us to expedite our withdrawal as much as possible.

Some months ago I introduced a joint resolution, House Joint Resolution 462, which calls for U.S. troop withdrawals from Indochina to be continued, on an irreversible basis, until all U.S. Armed Forces were withdrawn from Indochina. The resolution also states that it is the "sense of Congress" that all U.S. servicemen in Indochina be withdrawn from ground combat activities on or before June 1, 1971, and that all troops should be withdrawn as soon after that date as practicable.

This resolution, although differently phrased, is similar to the one I introduced last year, House Concurrent Resolution 756. The purpose of both efforts was to encourage an "end-the-war" consensus in the Congress. Obviously the passage of time since the introduction of House Joint Resolution 462 requires that its present wording be reworked, and there are several other resolutions pending before your subcommittee which present other interesting possibilities. The exact wording of the resolution is not paramount, nor is it at all important who receives credit for initiating the successful effort. What is important is that this subcommittee, and subsequently the full Committee on Foreign Affairs, carefully weigh all the proposals before it and then report to the House a resolution which would codify that policy which a majority of the Congress feel should be followed by the current administration.

I would like to outline the elements which might well be present in any such effort, and will leave the exact wording to the experts who sit on this subcommittee. What should we say to this administration that would be helpful and purposeful, both to it and to the American people?

Well, first, I think we should reaffirm that our withdrawal program is an irreversible one. No matter what happens in South Vietnam, I do not believe the American people will again support any increase in American ground troop support for the South Vietnamese Government. A reversal of administration policy in this respect is unacceptable, and Congress should say so.

Second, we should define as the end goal of our present policy the total withdrawal of American troops. There are strong arguments that can be advanced for various levels of logistical support after we withdraw and perhaps it is best if these questions are left unanswered in the present effort since consensus would be terribly difficult to find on such an issue. But I think we can find consensus around the proposition that a large residual force of say 50,000 troops is unacceptable.

The situation in Vietnam is not amenable to a Korea-type solution for a number of reasons that I will go into if you wish.

There is also considerable controversy about whether we should provide air support for the South Vietnamese troops after our withdrawal, perhaps from bases in Thailand. Personally, I feel that some such support may be in order, although I would like to see an end to the saturation bombing raids we continue to conduct. Widespread bombing is of only marginal value in cutting the enemy's supplies, and in the process hundreds of thousands of civilians have been killed, injured or uprooted from their homes. Close support missions, however, might still be required by the South Vietnamese Government for at least the next 2 or 3 years. However, it might also be well if this consideration was left for another day, if no consensus is possible. What we should instead concentrate on now are those elements upon which we can agree.

Third, we should make it clear that our withdrawal is not dependent upon the continued success of the Thieu-Ky regime. Our troops are surely not positioned in South Vietnam for President Thieu's convenience and their presence should not be prolonged merely to assist him in either his reelection or the administration of his nation's government.

Fourth, during these last stages of our withdrawal, we must leave the President some negotiating room and encourage him to use it. At the very least, a cease-fire and an agreement for the release of prisoners of war should be negotiated. I made this same point last week when I offered an amendment to the Nedzi-Whalen amendment to the military procurement bill, which would have conditioned an April 30, 1972, withdrawal date on the establishment of both a cease-fire and a release of prisoners before that date.

Some have criticized such an approach by charging that it only muddies the water and leaves the President so much discretion that the congressional action becomes relatively meaningless. But they ignore the fact that our mere withdrawal, without any negotiated agreement on anything, would do precious little to set the forces in motion for an end to the bloodshed and strife. If other longtime critics of the war do not understand this, former Senator Eugene McCarthy does, for he has noted that our mere unilateral withdrawal would invite chaos in Vietnam, Laos, and Cambodia. It was his point, as well, that congressional action mandating a date certain for withdrawal without any conditions whatsoever, would be an abdication of our responsibility for the combined military, political, and economic problems we have helped to create in Southeast Asia.

So I think negotiate we must. But we must also do so quickly, since it is also the case, unfortunately enough, that our bargaining power dwindles away with each passing month, as our troops continue to come out. It is time, in other words, for the President to do some serious negotiating with Hanoi, and it is our responsibility here in Congress to help guide the President in that direction. Setting a date certain for U.S. withdrawal, with certain conditions to be negotiated, is probably the way to move things off dead center; and I would hope that any resolution would convey that rather clearly to the President.

I know it takes two to negotiate, even as it "takes two to tango"; yet, in either exercise, one participant has to lead. And if, up to now, the



President has been reluctant to so lead by virtue of his uncertainty over the congressional and public reaction to any such forward movement on his part, it seems to me that this subcommittee has an excellent chance to reassure him.

One final point. We have no time to spare in taking some sort of action. The hour is already late for a congressional statement on the longest war in our Nation's history. It is, in my opinion, imperative that we take action as soon as possible, for at least two reasons. First, I have the impression that the administration has an open mind on some of the policies I have referred to here today, and that officials in the administration might welcome a cogent statement of congressional sentiment. Second, the American people will be relieved if we can clearly establish our policy in Southeast Asia before the onset of the next presidential election. I say this because I think we all recognize that it is not in our Nation's best interests that there be another acrimonious, partisan exchange between presidential candidates about the war in Indochina.

We ought to settle our national policy now. The level of dialog about Southeast Asia in the final months of the 1968 campaign was, as you will recall, uninspiring, to say the least. The war has been too costly, both in terms of human lives and in domestic unity, for anyone to take advantage of the sad situation for parochial political advantage—and I refer to Republicans, Democrats, and third parties as well. If we wait until 1972 to hammer out the final, tough decisions relating to our withdrawal, we only invite further disunity.

Therefore, I wish this subcommittee well in its work. It has an important and urgent task; but if you report a cogent, sensible resolution to the House, you will have performed a significant service to the American people.

MR. GALLAGHER. Thank you very much. Congressman Robison, for an extremely well-reasoned and finely presented statement.

I was interested in your statements on page 2, which reflected what I tried to convey in my opening statement yesterday. You said that the range of options and the range of viewpoints about Indochina has narrowed considerably. I think we have many areas of agreement on Vietnam policy. Because you have one of the Nation's outstanding colleges, Cornell University, in your district, and because of your long and responsible representation here in the Congress, I wonder if you could speculate as to why, at a time when viewpoints are now within a narrow range, the passions seem to be increasing.

MR. ROBISON. I am not sure they are. In fact, I would question whether or not that was so, quite vigorously. The campus at Cornell has been at least quiet, if your earlier reference to young people was relative to what Congress might or might not do to bring this war to as early as possible an end. I think to a certain extent that is because they have more or less given up; they have given up on the Congress of the United States as being one body that finds itself incapable of agreeing within itself, or of finding the broad-base consensus on which to say anything with respect to this war.

The debate on "McGovern-Hatfield" and "Nedzi-Whalen" were not the spirited debates that one would have anticipated would have been held a year or so ago. I must say that surprises me somewhat, too, but



I think we could change that situation around now by acting, by finding that consensus that I think is within our reach.

As probably indicated by yesterday's action in the Senate on the "Mansfield substitute," for the latest so-called end-the-war amendment over there, I think there may be the same sort of consensus on the House side. I think many people on the House side would welcome a policy statement of that sort, wherein the House could join with the Senate in an effort to work out comparable language, or at least iron out the differences that might exist between the approach the Senate has now taken, temporarily at least, and that which your subcommittee might propose.

MR. GALLAGHER. On page 5 of your statement, you say, and I quote :

I have the impression that the Administration has an open mind on some of the policies I have referred to here today, and that officials in the Administration might welcome a cogent statement of congressional sentiment.

If it would not be violating any confidences, what gives you that impression, and what are the specific policies upon which the administration would welcome our sentiments?

MR. ROBISON. Well, Mr. Chairman, part of the impression comes from conversations I have had with fairly high-ranking people in the administration, who have given me at least this as a personal understanding, and I would rather not, with your permission, go further into that question than I have.

I think we also have to consider the President's position at the moment. It is difficult, of course, to look into anyone else's mind and try to determine exactly what his goals, or his ambitions, or his problems and his thoughts are, but it does seem to me that he has been waiting to a certain extent to see how things might develop, not only in Saigon but in this country of ours, and that he is waiting for some guidance, and I rather believe that he would welcome some such guidance from the Congress.

Now, certainly, as you said in your opening remarks and as I touched upon in my statement that was prepared yesterday, the action of the Senate, it seems to me, is aimed in the direction of encouraging the President to understand what the people are saying through their Representatives in Congress. To the best of my ability, what I have suggested to you today, and what is the thrust of my resolution, is what my people—although, of course, they speak in a divided voice—or at least what a majority of my people are saying to me.

MR. GALLAGHER. That certainly is a point of feeling that this subcommittee welcomes.

Congressman Robison, as I understand it, your resolution is a sense of Congress resolution that affirms the trends for withdrawal to be continued but it does not fix a date. What would be the earliest possible date to retain flexibility?

MR. ROBISON. I find words that I used last year coming back at me, and I used them again this year.

MR. GALLAGHER. Everybody's words do.

MR. ROBISON. I know, but I find them specifically coming back in the "Mansfield amendment" yesterday which uses the same phrase: the "earliest practicable date." There is nothing very magic about that. I have listened to the debate, as you have, both on the Nedzi-Whalen amendment on our side of the Capitol and on McGovern-Hatfield in

the Senate, and I think it was Senator McGovern, himself, who said the other day the setting of a date is not so important, or the date itself is not so important, as the fact that we lay down as a matter of policy, or attempt to do so at least, the idea that our withdrawal from Vietnam will proceed on an irreversible basis until all of our forces have been withdrawn.

I think this is more important than trying to set a special date, year, or even December 31, 1971, or April 30, 1972, or July 1 of next year, or even December 31, 1972, although I think that is far too long. Quite frankly, when I offered my amendment last week to Nedzi-Whalen and picked out the April 30 date, it was on the premise, as Secretary Laird has supposedly said a number of times, that 9 months would be needed, or about 9 months, to carry out in an orderly fashion the logistical problems of an actual withdrawal, and this is where the 9 months in my case came from.

Mr. GALLAGHER. Mr. Broomfield.

Mr. BROOMFIELD. Thank you, Mr. Chairman.

I, too, want to congratulate the gentleman for a very, very fine statement. In fact, I find that I agree with most of the things you have included in your statement.

You put a great deal of emphasis on the prisoners of war. Would you elaborate on that. Do you feel that it is essential in any resolution that we pass that it provide for the release of the American prisoners of war?

Mr. ROBISON. Congressman Broomfield, in trying to respond again I would go back to what I believe is the attitude of the people I try to represent. On that issue, I think they would not wish to see us merely withdraw on a unilateral basis, leaving the question of the prisoners of war up to the mercies—and the not so tender mercies, as Congressman Buchanan suggested—of the other side.

I think, at the very least, that this is a negotiable item, and that we should encourage the President to approach the question of a final withdrawal date but contingent on what the other side is willing to do relative to the prisoners of war, first in their actual release and, secondly, I think it is important to encourage the President to also try, in that renewed effort at negotiations, to bring about a cease-fire in the area of the current conflict. I say this because, while we cannot guarantee in the long-range future what might happen to those people over there, nor guarantee for them under present circumstances that they will have peace, at least we ought to give both sides the breathing spell that a cease-fire would produce, and an opportunity to begin to work out their own difficulties between themselves, perhaps.

When I was in Vietnam last year, just a year from now as a matter of fact, with the committee that the House sent over under Congressman Montgomery's chairmanship, I talked with many people in Saigon in the political side of their government, a good many of whom were opponents of President Thieu and the present regime, and they, interestingly enough—you may not have heard this approach before—said to me a number of times, "We understand why you are Vietnamizing the war, the shooting part thereof, in that you have done all you can for us from the military standpoint, but why don't you Vietnamize the peace, too?"

I asked them what they meant by that question, and they said, "Well, you cannot find peace for us, you cannot negotiate, in a lasting fashion at least, the differences between those of us from the South and those from the North in Vietnam, and we will have to settle these differences among ourselves."

So, I think a cease-fire is important as an element in our policy to produce an atmosphere and a climate within which all this might have a chance of working out.

Mr. GALLAGHER. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

Congressman Robison, I, too, want to congratulate you on your statement. Although I was not here for all of it I, too, share your frustration in trying to come up with a solution to this war. I recently returned from Vietnam where I wrote a report on the aspects of this war and America's experience with something similar to it, drug addiction. All I can say is that the time is now and we should get out.

I, too, talked to leaders of the South Vietnamese Government, and to the present government's opponents. The consensus is that we should have been out 2 or 3 years ago. We fulfilled our role and we built our forces to 1,100,000. We have given them supplies, we have given them breathing spells. I think our obligations under any treaty have been fulfilled. I think our moral obligations have been fulfilled.

I can only think back when John Kennedy was President. I was not even thinking about running for Congress at the time. He mentioned this fact, "What it boils down to is that these people at some point in time take their obligations themselves and fight their own war." I think that time has come. It has, in fact, gone by.

Again I compliment you on your statement here today. The young people in this country have looked to us in Congress. As you say, the reason for their political apathy today is the fact that they are not experiencing or seeing any leadership emanate from the Congress, and I agree with you.

Thank you, Congressman.

Mr. ROBISON. Thank you very much. I would like to congratulate you and Mr. Steele in return for the work you have done on this aspect of this conflict, and it does give me at least an added reason for feeling that it is time to bring this war to a conclusion.

Mr. MURPHY. That is all, Mr. Chairman.

Mr. GALLAGHER. Mr. Halpern.

Mr. HALPERN. Thank you, Mr. Chairman.

At the outset I certainly want to compliment our very able and distinguished colleague from New York. I am greatly impressed, as I have been since I first came to this House, with his sincerity and his capability and awareness. I am particularly cognizant of his complete dedication to the cause of peace. I want to compliment him on his very enlightening testimony and the initiative he has shown and for joining in the dialogue of this subcommittee during these very, very important hearings.

I, too, have recently returned from Vietnam where I met with the representatives of our Government and the leaders of the Vietnamese Government. I, too, engaged in a very extensive fact finding probe of the narcotic situation there. Certainly it is horrendous to me that that



problem is probably as far reaching and as dangerous and as much a threat to this country as any of the other implications of this war.

I believe there are men who are over there who are under a much greater danger of becoming addicts and ruining their lives and imposing threats to every community in this Nation than they are of being shot. This is a horrible conclusion but it is a realistic one that we have to face and is a blatant example of why we should get out of Vietnam over and above the multitude of reasons which have been pointed out by witness after witness before this subcommittee and by countless others throughout this Nation.

Now I missed some of your testimony. I did have a chance while here to go through it and I do have some questions relative to its content.

Now you stated that should we be unable here in Congress to reach a consensus on whether or not the United States should provide air support for the South Vietnamese forces after our withdrawal we could leave this consideration for another day, but isn't this one of those final, tough decisions that you said must be hammered out before 1972? If so, why should we wait for another date to resolve this dispute?

Mr. ROBISON. Well, I would say to my good friend and colleague from New York, that I have been here long enough to believe, as I am sure he believes, that legislation is still the art of the possible. I notice the Mansfield amendment does not attempt to address itself to those kinds of questions. I have stated as my own attitude here that I would be willing, in line with the principles of the Nixon doctrine, to see some continuing air support given by our Nation to South Vietnam if Congress wants to in the future. If we have the kind of a regime still going on in Saigon that we wish to support, then we should support it at least indirectly. But to try now, Brother Halpern, to see if we can crank that sort of a question in on the House side in hope that it might be compatible with what the Senate has now done, to my mind complicates the matter so much that we will never be able to do it.

Mr. HALPERN. You appear to be in support of the administration's objective about the continuance of support, yet you also appear to be rather disenchanted, to say the least, with the Thieu-Ky regime. You do not seem to feel that the upcoming elections will be what they should be. Now how do you reconcile your lack of enthusiasm with the present government with the administration policy that does not, by setting a definite date for withdrawal, force the Vietnamese Government to take steps to aid the South Vietnamese citizens?

Mr. ROBISON. Either my colleague misunderstood my statement or I did not write it as clearly as I should have. My reference to the administration's ambition, or that of the President, is my own understanding of what the President has said: That we must stay there, first, until there is some resolution of the prisoner of war issue, and secondly, until there is some sound chance, or safe chance, or whatever the proper words are, that the Government in South Vietnam can continue on its own and withstand whatever aggression still is thrust against it from the North.

I would agree with my friend here, Mr. Murphy, that if the South Vietnamese cannot now stand against continued aggression from the North, with some logistical help from us, and possibly some supple-



mentary close-air support if that is necessary, they never will be able to. I think the President on this matter has indicated, now and then, that these two issues relative to the prisoners of war and the ability of the South Vietnamese Government to stand on its own, are separable items. The first is a matter of fact; we either get our prisoners or we do not. The second is a matter of judgment, and it is my judgment that the time to leave South Vietnam is now.

Mr. HALPERN. The points you mention for inclusion in your resolution are, I think, goals that few could disagree with—that total withdrawal should be our goal, that withdrawal should be irreversible, et cetera. Would not the passage of this resolution express sentiment of which the President is well aware while papering over the very real differences that do exist in Congress over the means to achieve the ultimate goal of the withdrawal?

Mr. ROBISON. Of course, but I am trying to be a realist. What can we actually accomplish? What are we trying to get Congress to say on this is the most we can get Congress to say. Again, as Senator Mansfield said, the Senate, at least, has on a number of occasions indicated its unwillingness to force a withdrawal date on the President by a cutoff of funds or whatever. Absent that willingness then, what do we do? Do we remain silent, or do we attempt, as the Senate has attempted, to hammer out at least the framework for a national policy statement relative to our withdrawal from this war?

Mr. HALPERN. Mr. Chairman, if I may, I would like to state because mention has been made here about a withdrawal date. A very, very revealing fact that I think is very pertinent to these hearings is that in my recent interview with Vice President Ky he stated, incidentally, that he favors a withdrawal date for U.S. withdrawal of U.S. troops, a fixed date.

Mr. GALLAGHER. That is what, a change of heart?

Mr. HALPERN. I have not heard about the change of heart.

He has said more recently that he would suggest some time in 1972. He didn't indicate how late in 1972, but he did favor when I spoke to him and that was not much more than 2 months ago—that he favors a disengagement date and he gave two reasons. Mr. Chairman, and he said this without qualification: that it will finally bring the South Vietnamese people to the realization that the United States is not going to be there indefinitely and that they must buckle down immediately to sustain their own national security and that they must develop a determined will for their own survival.

The other reason he gave was that it will help to bring the American people together once again.

Now, Mr. Robison, my distinguished colleague—I should say Brother Robison in acknowledgment of his reference to me because I have such deep affinity and love for our witness, Mr. Chairman.

You say that a withdrawal date will not bring about the release of American prisoners. You were quite explicit in a general surmise. Now what would be wrong if the withdrawal date that is recommended by the President was contingent upon an agreement to release the prisoners of war?

Mr. ROBISON. Absolutely nothing, although you might find a bit of a distinction and an argument between some of us as to whether there should be merely such an agreement, or an agreement then followed by

an actual release of prisoners, before we then make the withdrawal date terminal.

Mr. HALPERN. Well, you would not object then.

Mr. ROBISON. Not at all.

Mr. HALPERN. Well, isn't it similar to some of the proposals pending either on this committee or the other body?

Mr. ROBISON. Yes; it is.

Mr. HALPERN. Then you would favor that?

Mr. ROBISON. Yes; it is quite like the amendment I offered to Nedzi-Whalen which didn't get much attention, but at least I tried.

Mr. HALPERN. I may add, Mr. Chairman, as you may be aware, that I conferred with both representatives of the South Vietnamese and the North Vietnamese in Paris recently, the Provisional Revolutionary Government and the DRV, the Democratic Republic of Vietnam. I conferred with them for a total of 8 hours, 4 hours with the DRV and 4 hours 15 minutes with the Vietnamese. I saw this readiness to meet with me a part of their calculated policy, knowing that I would obviously be in contact with our Government's negotiating team, our State Department, and our President. I saw this move as a signal of their willingness to talk, to clarify doubts as to the prisoner of war issue. I saw this as a sign of flexibility, as a means of communicating with us out of the context of the diplomatic strategy of official table talks. It certainly opens the door and is worth probing.

I am not naive and I certainly did not accept all the party line rhetoric that they expressed during our lengthy talks. As a matter of fact, the meetings were anything but love feasts. I played the role of the devil's advocate and even called them stupid: that if they released the prisoners of war it would be the smartest thing they could do, and it would show real evidence of good faith.

We can only accept their assurances of good faith at face value, and these are the same assurances that have been expressed to some of the other members of this committee. Their statements to us have been widely publicized and I cannot conceive of them risking world opinion by going back on their word, particularly after they went so much out of their way to emphasize their position.

Now I took complete notes at these meetings and I read back every word to them. It was not a question of interpreting what they said after the fact, the statements were literally dictated by the Communist side. I turned over the full transcript to our representatives at the Paris talks and to the State Department and to the White House.

I would like, Mr. Chairman, if I may, to include in the record transcripts of these interviews that I had with both the DRV and with the North Vietnamese.

Mr. GALLAGHER. Without objection, so ordered.

(The transcripts follow):

STATEMENT BY MEMBER OF DRV DELEGATION AND DRV PRESS SPOKESMAN NGUYEN THANH LE TO CONGRESSMAN SEYMOUR HALPERN

Now—I'll be brief, simple, and realistic in my responses to your questions. So far we have heard from various people who have raised the same opinions and questions you expressed. This includes President Nixon who went so far as to label the Vietnamese as barbaric as far as the prisoners of war are concerned.

It isn't difficult to give answers to the questions you raised. However, we find it necessary to look into the background of the problem. Any impartial person

would say the United States has interfered in Viet-Nam affairs since 1948-1949. You probably will remember since October 4, 1950, a military mission of advisors were set up in Saigon. And some 80% of war expenditures of the French were financed by the United States.

It is not true that when Mr. Nixon says the presence of American troops in Viet-Nam was in response to an appeal of the Saigon government. This is definitely not true for it dates back to the French occupation. Even at that time the late President Kennedy, then Senator Kennedy, said we share the same bed as the French colonialists in Viet-Nam.

If the question is raised why is an American serviceman captured in Viet-Nam, that doesn't mean we have gone to the United States to get him, it is the reverse. That's why we say when Mr. Nixon says that the Vietnamese are the most barbaric nation in the world today that such statements by Mr. Nixon are stupid. Not only do the Vietnamese say that but many Americans say the same thing. The crimes committed by Americans are among the most barbaric in history. I don't know if you read the article in the *Herald Tribune* today but it describes an American officer's statement. He stated that an order was given by an American general to massacre a hospital in South Viet-Nam by shelling it. And when a wounded combatant in South Viet-Nam was in the hands of American troops the American general asked to withhold treatment in order to explore his mind and then leave him to his death. These are only a few and tiny examples. We have a long history of being a cultured people, a civilized people. All the Vietnamese people follow the guiding principles of humanitarianism, fidelity, faithfulness, courtesy, intelligence, and confidence. The first guiding principle for the Vietnamese is humanitarianism. You know that during thousands of years we have been victims of aggression and each time we were victims of foreign aggressors.

We also captured servicemen during these periods of resistance and always treated them well. During the 13th century, the 14th century, and the 18th century when our country was invaded by the Mongolians and Chinese feudalists we captured hundreds of thousands of their men. But every time we have had a specific policy as far as the treatment of the prisoners of war were concerned and as soon as war would be over we would release them. We even provided the transportation.

Now, from 1945-1954 we resisted French aggression and there were great numbers of prisoners of war. You may remember that during Dien Bien Phu we captured tens of thousands of men but we released them right after signing the Geneva Agreements. There never was the slightest problem. General De Castries has declared he received very good treatment. The same thing was said by a great number of French officers and French soldiers. Anyone who puts himself in our place—victims of bombings and strafings by those who came over to North Viet-Nam to destroy schools, hospitals and dykes—in spite of these crimes the pilots we captured receive only good treatment, fair treatment once they were captured. Let us say as another example, our food ration. Any food ration of a captured pilot would be much better than that of the Vietnamese people. You may remember an American colonel who was released. He said he received good treatment and he corroborated that his food was better than the Vietnamese. I can cite many other examples. For instance, in Viet-Nam we have no heating systems, but in wintertime every Vietnamese gets one blanket, but every captured pilot gets two. One of the captured pilots is a Commander McCain, the son of Admiral McCain. His father is the one who ordered the bombing of North Viet-Nam yet when his son was captured inside Hanoi he was treated very well. His arm was broken and despite his contention that it would be no use to try to save him, that he was going to die, yet he got the very best of medical care and our doctors saved his life.

We think that there are many foreign visitors and journalists who came to see these captured pilots with their own eyes who would attest to their good treatment. This has been reported in the *Herald Tribune*. The same thing has been reported in the *Baltimore Sun* and the *Los Angeles Times*.

As for the name lists of the pilots, we have no interest in holding out any other names than those we released. We released the entire list based on the humanitarian and the guiding spirits of the Vietnamese people which I mentioned to you. Now as everyone knows, as soon as the war is over, as soon as an agreement is signed, this question of release of the prisoners is automatically solved. It was the same as with the French at Geneva. What is different from the general understanding about the war in the past, in order to show the good will of the Vietnamese people, the PRG in Paris has put forth their ten point



initiative. If the United States would announce its intention to withdraw its troops by June 1971, then all parties will discuss the question of release of prisoners.

If President Nixon accepted that proposal there would be no need for this discussion now and all parties would be repatriated. But Mr. Nixon refused this proposal by insisting on not setting a date. Suppose President Nixon accepted the date limit of June 30, 1971—and it has been confirmed by an American general that to transport an American division takes five hours. Say there are ten American divisions, that would mean it would take fifty hours. Even if you were to multiply this by another ten that would be 500 hours. Therefore, there is plenty of time to bring back American troops by that date. Another aspect of the problem—if Mr. Nixon feels he cannot accept the June 30 date period he may propose another reasonable date and the parties can discuss that in order to find a way out. Once again this shows the flexibility of the Vietnamese. It is not a pre-condition or a pre-requisite because the discussions must lead to the total release of all captured servicemen. We call it discussion, let the word be negotiations, on the release, but according to the Vietnamese language, discussion means negotiation, that is to say a discussion of all problems in order to come to a solution. Here again this shows the flexibility and good will of the Vietnamese. But to our understanding it is the desire of President Nixon not to end the war but to continue and to prolong it. Moreover, he shows no concern at all as to the fate of the prisoners of war nor does he show a concern for American servicemen who are fighting.

Then in 1954 when the Geneva Agreements were signed the United States refused to accept them. I just mention this to make clear that we must abide by the truth. Now if there is a war taking place in Viet-Nam, it is not because the Vietnamese have sent troops to attack the United States. Conversely, the United States has sent troops to attack Viet-Nam. We have to say it again, the United States has conducted the most barbarous war in history against the Vietnamese people. So far over eleven million tons of bombs and shells were dropped in Viet-Nam. Some 60,000 tons of toxic chemicals have been used and the highest act of barbarism has been perpetrated. American troops are killing civilians. They have cut off the ears of Vietnamese patriots. They have cut veins. Everyone knows about My Lai. No one could have imagined such a degree of human destruction. That is the plain truth. That is why we say any impartial person who has the courage to look into the truth will realize this reality. That is why if he—President Nixon—is really concerned for lives he would set a date because the more he continues the war, the more there will be servicemen killed, the more there will be captured. If he really wants to see the men returned home safely he would do that. Moreover, in his recent statements of April 7 and April 16 he went so far as to put more conditions as to not stop the war. He said as long as a single prisoner is left, American troops will not withdraw. That only means he paves the way for more GIs to be captured. He also said as long as the Saigon administration has not the power to defend itself, American troops will not withdraw. That is absurd. That can only mean continued U.S. perpetration of American occupation. This is not the real way to show concern for GIs. This is why for our part we do not see any problem at all if only Mr. Nixon would set the date for withdrawal of troops. Just as we said, in the past there was no problem when we ended the war with the French.

Now I come to the second question as to why we did not talk to the Saigon administration. Mr. Nixon has said that it should be left to the Vietnamese people to decide their own destiny. I'll be very frank and straightforward about this. First of all we say that that statement is not true. Not only the Nixon Administration, but the former administration has said that they respect self-determination for the South Vietnamese people. Everyone knows, even during our resistance against the French, that Richard Nixon on many occasions came over—eight times in fact—to encourage the French during that war. He even came to Hanoi. He even went to the front to see how the French fought. Was it because it was his intention for respecting the right of Vietnamese self-determination? When the French were about to lose the war it was the policy of Mr. Nixon even then to have the intention of sending American troops.

When Nixon said on April 16 he would not withdraw all American troops from Viet-Nam as long as the Saigon administration cannot stand by itself that was nothing but direct interfering in the internal affairs of the country. If a question is being asked, "What is the present Thieu-Ky Administration in Saigon?" the answer is that everyone in that administration was set up by the Americans. Also everyone knows that Thieu, Ky, and Khiem were mercenaries in the French



army, and everyone can remember Ky's remarks about Hitler. What is Thieu? This man keeps saying there is no other way to defeat communism than a military victory. He says there is no other way but go get rid of neutralists. How can there be any possibility of unity or a coalition with anyone as long as they are there.

Everyone remembers the 1967 elections in Saigon when there was a candidate Dzu on the opposite side. He opposed them and as a result he was put in jail. He is still in jail. Thieu is putting everyone in prison who opposes him—monks, Buddhists, even Catholic priests. Just a few days ago two Catholic priests were jailed. Even invalids—veterans who demand improvement in their lives have been oppressed and jailed by Thieu. All of this means that the present Thieu/Ky/Khiem regime is dictatorial, warlike, and a fascist regime. This is why the proposal by the PRG stipulated that only those three be excluded from the present Saigon government. You say the United States is not in a position of displacing a government, of deposing a government. We say the present Saigon administration was set up by the American administration. It is being financed, fed, and supplied by the United States. I don't know if you can remember what was stated once by President Kennedy. But we remember it very well. He said that the present Saigon administration is an offspring, an adopted child of the United States.

I wonder if you know Senator Mansfield. Well, you may also remember that he said since the Saigon administration is the tail of the dog, the tail cannot wag the dog. Only the dog can wag the tail. Also, in September of 1968—to be more precise December 16, 1968—Ky came to Paris and declared that he considers Henry Cabot Lodge as his father. This is why we think if it was really the idea of the United States to respect the right of self-determination, the United States would refuse to support these three persons—these three dictators. As for the proposal in the eight point solution offered by the PRG at the Paris talks it has been very clearly declared that the PRG stands ready to discuss with the Saigon administration—with the exception of these three persons—anyone in that administration who stands for peace, independence, neutrality and democracy. I can give you an example. The four-party conference started on November 6, 1968. It was because of the stubborn attitude of the American representative and the Saigon administration that only the discussions on the form of the table took two and a half months.

(I interjected that their side certainly was deeply involved in that discussion and certainly contributed to any prolongation. He answered that they proposed a round table. This was opposed with the proposition that the round table be cut in two or that there be a demarkation line in the middle of the green. This was absurd and indicated at the beginning a lack of good will.)

The obstacle to the success of the conference has been the difficulties created by Mr. Nixon, Mr. Thieu, Mr. Ky, and Mr. Khiem. The first proposal as a basis for negotiations was offered by the PRG—the ten point solution. Then there was the eight point peace initiative calling for U.S. withdrawal by June 30, 1971. Also the discussion of release of prisoners and setting up of a provisional government was proposed. Just because of the basic reality in South Viet-Nam—on the one hand you have the Saigon administration and on the other's the PRG. You still have another force not participating in either of these two governments. Because of this reality, the PRG offers a provisional coalition government covering all three factions, indicating the good will and flexibility of the PRG. There is also an attitude on the part of the PRG to offer an honorable way out for the United States—by the United States offering to disengage in Viet-Nam. The present Saigon administration keeps opposing a coalitional government. So far the Saigon administration has rejected any initiative concerning coalition or any national reconciliation.

---

CONVERSATION BETWEEN CONGRESSMAN SEYMOUR HALPERN AND NGUYEN THANH LE, DRV DELEGATION

Mr. HALPERN. In your remarks to me you say that you've been accused of being barbaric by the U.S. administration on the prisoner issue. You vow that is not so. Wouldn't it be the obvious thing, the simplest thing, to allow inspections to verify your claims of very good treatment.

Mr. LE. It has been verified by many that we have been giving very good treatment to the captive pilots and the best medical care to the sick and wounded.

Mr. HALPERN. The Geneva Convention which you signed and which you seem

to know so well calls for inspections on treatment of prisoners of war. You certainly are violating the principle by refusing to allow a verification of your claims of good treatment by international inspection. The very least you can do is release of the sick and wounded and agree to internment in a neutral country. The way to prove that your treatment is humanitarian is to take these measures.

Mr. LE. You talk about our side not negotiating the release of the sick and wounded. If it were not for Nixon's bad intentions there would be no prisoner problem.

Mr. HALPERN. But it would be in keeping with the principles of the Geneva Convention that there be inspections by a third party or international team.

Mr. LE. We were signatories to the Geneva Protocols. In full keeping with them we apply very good treatment to American pilots. The problem now is the security of the pilots and our own people. We must discontinue the visits.

Mr. HALPERN. You say you provided a list of the prisoners. We have cause to believe there have been more captured and that you have not given complete identification. You have not agreed to impartial inspection. You say they are treated very well. Yet you will not allow verification of this by neutral parties.

Mr. LE. We did give you an accurate list. We did start to release men. But now we take protective reaction against attacks by your aircraft and rescue missions. And President Nixon has threatened that as long as there is one prisoner of war left, he would not withdraw.

Mr. HALPERN. Well, if you want the U.S. to withdraw, wouldn't it be the obvious thing—the smartest thing—the right thing—to release the prisoners under the repatriation proposals? Wouldn't it be the right thing at least to update and complete the released lists? Wouldn't it be the right thing to allow inspection teams to verify the treatment you claim is so good? Wouldn't it be the right thing to remove the sick and wounded for internment in a neutral country?

You have told me in your remarks that you would talk about release of prisoners once peace is negotiated. You say on the signing of peace, prisoners would be released as soon as a solution is reached. But quite different from that principle was the proposal of the PRG who said the release would occur provided President Nixon declared a fixed date. Is your position the same as the PRG on this issue?

Mr. LE. Our position is to support the PRG.

Mr. HALPERN. But to be more specific. The PRG tells me it will enter discussions on the release of all its prisoners of war once an appropriate fixed date is set. You said to me earlier you'd talk about release of prisoners only after peace is negotiated. There seems to be a difference here. Could you clarify it for me?

Mr. LE. We would include the pilots captured in North Viet-Nam as part of this.

Mr. HALPERN. Let me be sure I understand this. And I emphasize that the PRG—and I repeated to them their own words only today and I repeat it here. They told me they will discuss the release of all prisoners of war once an appropriate date is set. They explained when they say discussions they mean ways and procedures for the actual release. Do you mean the same thing?

Mr. LE. Of course, we mean it, providing an appropriate deadline is set. Then all parties to the problem would discuss the procedures. Once this is done, it is our intention to release all captive pilots—not only the wounded and sick—but all, so they can return safely and directly home.

Mr. HALPERN. Then I take it that it is your intention to release prisoners if there was agreement on a fixed date. And it is not your intention to then give consideration only after a peace is signed. You agree you would release them after a date is set and immediately discuss the procedures.

Mr. LE. Yes. We have no intention of holding them. We'll even give them transportation. In fact, they can bring home flowers from Viet-Nam.

Mr. HALPERN. You say you cannot allow verification of treatment because of security reasons. Does this mean you couldn't trust an international inspection made up of representatives of neutral countries?

Mr. LE. In regard to this and to your statements about verification of treatment, there were visitors. If I wanted to, I could cite many instances. The Canadian General is not a communist. You also remember that famous operation to release prisoners. Nixon and Laird have said there would be others. Because of the security of servicemen we cannot allow others. The statements by Nixon and Laird have made other visits impossible. It is because of these threats.

Mr. HALPERN. You talk about the security aspect as the reason for not releasing prisoners, and not allowing inspection teams to verify treatment conditions. Why don't you free them and eliminate the security aspect all together. At least you can allow inspections and release the sick and wounded to a neutral country.

Mr. LE. If you don't mind, the United States doesn't take into account any international law. The Geneva Accords of 1954 call for unity, independence, sovereignty and territorial integrity of Viet-Nam. Also the Geneva agreements forbid the introduction into Viet-Nam of foreign military personnel, weapons, war materials. But the United States has taken no account.

Mr. HALPERN. In your remarks you talk about the eventual release of prisoners. I talk also of the treatment of prisoners right now. What I'm talking about is not negotiable, but what you should be doing as a matter of course. Why, and I ask in the name of humanity, do you not accept our proposals? I believe your attitudes on the handling of the prisoners issue is just plain stupid. There would be a lot more support for a disengagement if the American people knew that the agreement on conditions was two-sided—not a situation where we must do this or that, and then you'll discuss the situation.

Mr. LE. We cannot do so because of the security. We must repeat that during 1968-1969 we have released nine of the pilots. But instead of taking this as a good will attitude by the Vietnamese, Mr. Nixon turned it into a campaign of slander and distortion against us.

Mr. HALPERN. The cause of peace would be enhanced if your side showed compassion on the prisoner of war issue. You would gain more trust by showing your good faith on this issue.

Mr. LE. I assume you are sentimental. We deem you understand we've been victims of many wars of aggression causing pain to millions of Vietnamese families and we deem it that American people should show compassion for Vietnamese families.

Mr. HALPERN. You talk about the feelings for peace in the United States. You mention demonstration. Of course Americans want peace, but that doesn't mean it must be purely on your terms. Let me assure you the American people are completely united on the prisoner of war issue. That is why if you were smart you'd be willing to fulfill what is not only in accord with the Geneva Convention but recognized international practice and allow a third party—an international inspection—to verify your claims of humane treatment. You would allow the interment of the sick and wounded to a neutral country. You would supply us with continuing complete lists of prisoners.

Mr. LE. Let me assure you they are treated well—very well. People have seen this; it has been certified and reported in your press. You can take our word for the good treatment.

Mr. HALPERN. Can I go to visit the captive pilots and see this for myself?

Mr. LE. I said earlier many people have verified the good treatment and good care and this has been written in the press throughout the world, including the American press. But for the security reasons I mentioned we must refrain from visits.

Mr. HALPERN. I find it impossible to accept that reasoning on a subject of basic humanity, not to mention the principles of the Geneva Convention and international practice. As a first step, the American administration has proposed a repatriation of all prisoners or their internment in a neutral country. I fervently ask that you reconsider your policy and agree to this.

You mention support in the United States for disengagement. By supporting proposals for disengagement, it certainly doesn't mean agreement with all your positions. But the advocates would like to take seriously your assurances of intentions to negotiate a just and lasting peace. I appeal to you for a more enlightened, more compassionate and humanitarian policy—in keeping with your earlier remarks to me about Vietnamese ideals—on the captive pilots. Your present policy has greatly damaged your posture and is jeopardizing support for the peace effort.

Mr. LE. There is absolutely no problem, provided a date is set. Meanwhile we give our word we are giving the best treatment.

Mr. HALPERN. It is impossible for me to understand why you refuse to sit down and negotiate for peace here in Paris. You say you will not talk to the representatives of the Saigon regime. You knew who they were when you accepted to join these talks. They're the same people. If you're serious about wanting peace, then why not sit down and get these talks moving. Then use as a basis of negotiations your concept of what the Saigon government should be. In other words, you'd



say "Okay we'll talk." and then give your terms regarding the personnel of a proposed new government.

Mr. LE. We join with the PRG in our position that we will talk to anyone in the Saigon administration other than Thieu, Ky and Kheim . . . anyone who believes in democracy, peace, neutrality and independence. And the proposal for a new government in South Viet-Nam by the PRG was meant to reach national accord—harmony. So the problem is clear. Who wants peace; who wants war; who wants union; who does not. I am trying to be very frank with you.

---

STATEMENT BY PRG DEPUTY SPOKESMAN NGUYEN VAN TIEN TO CONGRESSMAN SEYMOUR HALPERN

I would like to give you our point of view. The United States has sent expeditionary troops to South Viet-Nam to wage a war of aggression. In order to end the war the United States must—

- (1) End aggression;
- (2) Withdraw all its forces as soon as possible and the sooner the better;
- (3) Let South Viet-Nam run its internal affairs without interruption;
- (4) In so doing not only would the war end, but also favorable conditions would be created for friendly bonds between the people of the United States and South Viet-Nam.

As a matter of fact—and this is another problem—in launching the war of aggression against South Viet-Nam, the United States has installed their puppet administration and is using it as an instrument to carry out its war of aggression.

This is an old trick resorted to by all kinds of aggressors. So, in order to end the war and restore peace, the United States must withdraw its support of this administration and let the people of South Viet-Nam settle internal affairs. The Saigon administration, headed by Thieu/Ky/Kheim, is a corrupt, rotten, dictatorial, warlike administration which is hated by the South Vietnamese people who are struggling to demand the replacement of that administration by another administration which would be broadly representative—an administration that is democratic and stands for peace, independence and neutrality. It is unreasonable of the United States to waste untold lives of young Americans and to make many Americans get wounded as well as to waste billions of U.S. dollars to support such rotten and dictatorial administration.

By refusing to withdraw its support to this clique the Nixon Administration has shown that it is not willing to solve peacefully the South Viet-Nam problem. Instead, it is clinging to its scheme of using this clique to continue the war under the form of the Vietnamization program.

In our eight point peace initiative and our three point statement on the question of a cease-fire, we have stated clearly that since the United States has waged a war of aggression it must end this aggression and withdraw all its forces from South Viet-Nam. In September of 1970 in our eight point initiative and in December of 1970 in our three point statement on the cease-fire, we stated that if the Nixon Administration declares it will withdraw all its forces from South Viet-Nam by June 30, 1971, then a cease-fire will be immediately implemented between the U.S. forces and South Viet-Nam's People's Liberation Armed Forces. And our side would take measures to assure safety for American troops who are withdrawing or preparing to withdraw and at the same time the parties would enter immediately into talks on the question of the release of the captured military men.

Since then, until now, the Nixon Administration has refused to declare the withdrawal of all forces by June 30, 1971. This proves that the Nixon Administration has paid no attention to end the war in South Viet-Nam. And at the same time the war is not only in South Viet-Nam but also is being expanded into Cambodia and Laos. The operation into Laos in February of this year has revealed that the Nixon Administration is obstinately intensifying and prolonging the war. At the same time the United States has bombed and shelled the territory of North Viet-Nam by aircraft, warships, and artillery. This shows that the United States is plunging itself deeper into the war in Indochina.

If the United States Government really wants to put an end to war and solve the Viet-Nam problem and if it had declared total withdrawal of its forces from Viet-Nam by June 30, 1971, a short time after we made public the eight point peace initiative, then by now the war could well already have been ended. And



all the American troops as well as all American captured personnel would have been returned home safely.

But the Nixon Administration refuses to accept such a deadline by saying that June 30, 1971 set by our side is a unilateral proposal and that is why it cannot be accepted by the United States Government. Then we stated if for any reason the United States Government refuses to accept the June 30, 1971 deadline, then it propose another appropriate date and we will take this into consideration.

Up to now the United States Government has not shown any concern for the setting of a date and it still refuses to set a date for total withdrawal of troops from South Viet-Nam. Therefore, the public opinion all over the world and in the United States itself opposes the obstinacy of the Nixon Administration. As an obvious proof of this the meetings and demonstrations taking place all over the United States to show dissatisfaction of the American people of all strata and even in the United States Senate and House of Representatives a growing number of representatives are demanding that the administration set the date for total withdrawal of American forces from South Viet-Nam and disengagement from the Indochina war. In our point of view the American people who have taken such actions are for the mutual interests of the American and Vietnamese people. We think that this constitutes a pressure upon the Nixon Administration for an end to the war and withdrawal of all American forces for the sake of the development of the friendly bonds between the people of the United States and Viet-Nam.

---

CONVERSATION BETWEEN CONGRESSMAN SEYMOUR HALPERN AND MR. NGUYEN VAN TIEN, PRG DELEGATION

(April 28, 1971)

MR. HALPERN. As one who has identified in the cause for peace and justice in Southeast Asia . . . and as one who is one of the sponsors of the Disengagement Act of 1971, I feel the American people would be more prone to support the efforts for peace if you people showed more flexibility and more evidence of good faith than that reflected by your rigid prerequisites and preconditions on what should be matters for the negotiations. I believe the American people want peace . . . that they seek it in good faith . . . but they want good faith in return.

And surely, as I said earlier, if you were smart, you would release the prisoners or at least the lists. That would help create a new atmosphere. Compassion and humanitarianism can do more to contribute to a just peace than words and might.

MR. TIEN. You misunderstand. Our positions are flexible. We have shown good will and a flexible position. Many flexible points are made in our 8-point peace initiative and three-point statement on the ceasefire. And as to the prisoners, let me say again, North Viet-Nam made public their lists of captured pilots. Do you think this has made the U.S. more flexible in negotiations?

MR. HALPERN. We question the completeness of that list and we question North Vietnamese refusal to allow for verification of their claims of humanitarian treatment—verification by international inspection as called for, not only in the Geneva Convention, but as an accepted international practice.

And we must look at the prisoner of war picture as a total issue . . . the treatment, the lists and release of men by both the North and by the PRG.

MR. TIEN. Before North Viet-Nam released some American prisoners, we too received many people, concerned with the same view. They said if you release the list you will turn back public opinion. But after North Viet-Nam did make its move in good faith, the U.S. is still pursuing the same attitude as before.

MR. HALPERN. The American people and their representatives in the Congress—whether they support the Administration or not on the Viet-Nam issue—are completely united on the prisoner of war issue. All of us in the United States are concerned. Families are unknowing and are anguished by anxiety and speculation. It is just impossible for us to understand such an inhumane policy that won't identify who the prisoners are: a policy that won't even allow mail. None of us can understand why you won't give us a list. In the name of compassion I bring the appeals of the American people for the release of the names. We don't care how you do it—through me, if you will, through Senator X, through the French, the Swedes, the Poles.

MR. TIEN. Don't forget there is still a war going on in South Viet-Nam—fighting against American transgressors. We cannot fulfill the lists because the list is being lengthened every day. We would have difficulties in doing this. One thing

we want to assure again and again to the American people and that is, we are treating the captured men in a humane and very lenient way.

Mr. HALPERN. Only a few days ago I saw a news story in which the PRG called on American soldiers to defect. They wouldn't be shot, etc. You'd help them go anywhere they want . . . let them go home. If this is true, then obviously these men would no longer be a threat to you militarily.

Tell me then, why don't you release the prisoners you hold? They will not be used militarily again. They would have absolutely nothing to do with the war. You can release them. Or at least you can identify them. Surely you should release the wounded and sick. Those who have been held prisoner pose no threat. So wouldn't the net result be the same. Another thing, you are stupid not to release the prisoners. It would be the smartest thing for you to do public relationswise. The American people cannot accept your attitude and it causes not only untold anguish, but hurts the goal for peace.

Mr. TIEN. The problem of the capture of military men is a problem connected to the war itself. It is a problem to be dealt with as an aftermath of the war. Generally speaking, it is only solved after the war is over. But in order to show our good will, we have stated that the U.S. Government needs only to declare an appropriate date for the total withdrawal of its troops from South Viet-Nam. Then we are ready immediately to enter into talks on procedures and ways to release the captured men.

The discussions will be on how to release the men. The question is not on whether we will release them or not. We will agree to release the men. The discussions would be on procedures to expedite the release.

Let me also point out another fact. North Viet-Nam released a complete list of American captive pilots even though the bombing is still going on. Yet, this did not deter the United States from its position. The bombings are still going on and very fiercely.

So it still wouldn't deter U.S. aggressiveness if we gave the lists. But we are not able to do so anyway. We would have great difficulties to fulfill the list of captured men.

Mr. HALPERN. But it would be the right thing to do. It would show real evidence of good faith. And it would be the humane, decent thing to do. And you profess how humane you are.

Mr. TIEN. We want to release all American captured men—not only make the list public—but to release all. In this we think you and your colleagues instead of raising this problem here, should exert more pressure with the U.S. Government to end aggression, set a date for the rapid withdrawal of U.S. troops.

Mr. HALPERN. I can only emphasize that your refusal to give a list can only hurt the cause of peace and it is stupid on your part to maintain this attitude.

Mr. TIEN. The other side of the table—the U.S. and South Vietnam administrations, up until now refuse to enter into serious negotiations and talk directly with us then the problems would be more easily settled. As for the Saigon delegation, it reflects warlike policy which is seeking a military victory which doesn't desire to end the war. So how can we reach a solution with such a delegation.

Only a few days ago, Thieu declared peace should be achieved through a military victory, i.e., the Saigon government wants to stick to the U.S. in order to get all-sided aid from the USA and in order to prolong the war. That is why in order to reach serious negotiations the U.S. must not give support to this regime. Let the South Viet-Nam population set up a coalition government of their desires and then we are ready to talk to such a government.

Mr. HALPERN. Do you think the U.S. can dismantle the government of Saigon?

Mr. TIEN. If the U.S. wants to, of course, it can. Now the Nixon Administration continues to support this clique.

Mr. HALPERN. The Administration says it will support whatever the people want. They have assured they will support a political solution that guarantees this self-determination.

Mr. TIEN. One thing I would like to add. We have been pursuing a very flexible position. Since the beginning of the Peace Conference we have put forth many proposals in order to settle the problem, but all have been rejected by the American government and we think that now, the U.S. Government must take steps toward peace. And the key to peace is in the Nixon Administration's hands.

Mr. HALPERN. You have questioned the good faith of my government. Isn't President Nixon's policy of rapid withdrawal of troops evidence of U.S. good faith?

Mr. TIEN. We have no confidence in Mr. Nixon. He talks about peace, but he intensifies the war of aggression in the name of Vietnamization. And now it is expanded in all of Indochina. That is why we say President Nixon is speaking about peace, but is actually intensifying war.

Mr. HALPERN. How can you say it is intensified if troops are rapidly being reduced?

Mr. TIEN. It is being intensified by air and artillery forces. As far as the Vietnamization program is concerned, this actually means a continuation of the war. It means the puppet Saigon troops will fight in place of U.S. troops with maximum air and artillery support—and logistic support of the USA.

Mr. HALPERN. This question is a very simple, but a very realistic one. Why in the world can't the Vietnamese get together and talk? Why can't you sit down and negotiate without prerequisite conditions involving issues that should be the basis of the talks? When you came to Paris you said you'd talk to them. They're the same people now as then. Why can't you get together? How can peace be resolved without negotiation. You agreed to meet. Now you say you won't talk. You must face reality. Why don't you get talking and take up your proposals at the table but don't impose them before getting started.

You must understand the realities that exist. The government of Saigon—regardless of what you may think of the individuals—recognizes this realization.

Mr. TIEN. Because of the rottenness of the present administration in Saigon, that is why we demand the U.S. renounce support of such a regime. We will gladly accept representation of the Saigon Government, but not Thieu-Ky-Khiem—we will talk and work with any persons from the administration who stand for peace, neutrality and independence.

Mr. HALPERN. You are asking the United States to renounce the South Viet-Nam Administration—to depose it? But you would impose your concept of what the government should be. The United States doesn't want to impose or depose. We have made it clear that we will accept a political decision that would give the people of South Viet-Nam the opportunity to decide their own future.

Also, aren't you preconditioning a viewpoint that should be the subject of the talks you refuse to participate in?

Mr. TIEN. We will not discuss the matter with Thieu-Ky-Khiem, but as I stated, we will be pleased to talk to anyone else within the administration who believes in peace, independence and neutrality.

Mr. HALPERN. But whomever would represent these stands would have to be cleared by the PRG. You would have the veto power. Isn't that the same as imposing?

Mr. TIEN. That is not correct. The provisional coalition government will comprise of three segments: (1) members of the PRG, (2) members of the Saigon Administration with the exception of Thieu-Ky-Khiem. We will take anyone who believes in peace, neutrality, and independence, and (3) persons of other forces aside from the above—other political forces.

The membership of the provisional government would be decided through discussions of these three segments. Discussions would decide how many members there should be in the government and what representation each segment would have.

Mr. HALPERN. You mentioned that the people of South Viet-Nam would settle their internal affairs. Through what means?

Mr. TIEN. Through free and democratic general elections in South Viet-Nam.

Mr. HALPERN. Would you accept international overseers?

Mr. TIEN. The provisional coalition government comprising the segments I mentioned would have the task of holding free and democratic general elections. That problem would be decided by this government.

Mr. HALPERN. Isn't this a subject for negotiation at the table?

Mr. TIEN. We think this will be a subject for discussion within the provisional coalition government. It is not a difficult problem.

Mr. HALPERN. The American people want more than rhetoric—or generalities—or simplistic, unrealistic formulas for peace. And this is what seems to be coming from your side. And what else seems to confuse the American people as to your good faith, is your constant reference to the word "consider" after you would gain certain conditions. People don't understand. Why only consider? Why don't you say you will do this; you will do that. Then we would know where we stand.

Mr. TIEN. We didn't state we would "consider" a cease-fire. We said it would be observed. It's the first point in our three-point statement. We will observe a cease-fire and will enter into talks.



Let me say there are many problems that could be settled immediately, such as the problem of a cease-fire. The cease-fire would be immediately observed. We will take measures to assure the safety of American troops as they prepare their withdrawals. But there are other problems that need certain discussions and then there is the question of carrying out the other problems, i.e., the question of release of captured military men, the discussion on the ways on how we can conduct it. We would talk immediately on the question of release if you announced a date. And concerning a date, by that I mean a most appropriate date for a rapid cease-fire.

Mr. HALPERN. Let me get back on the issue of the prisoners. Will you reconsider your withholding of the names and make them available through whatever means you feel most appropriate.

Mr. TIEN. We will take into consideration your ideas on the prisoners.

Mr. HALPERN. Earlier I mentioned my bewilderment at the PRG's stark refusal to recognize the South's representation at the table. As I said, you knew who they were when you accepted to join these talks. Should not the differences you have be the very basis of the talks themselves. Recently I met with Vice President Ky in Saigon and he certainly has indicated a willingness to discuss the issues. He feels in order to go further there must be a form of reconciliation—some flexibility to negotiate aims.

Mr. TIEN. Nobody can believe him.

Mr. HALPERN. Obviously there is an impasse. Each must yield—even a little. We have yielded more than a little and have made clear our flexibility. I certainly feel there would be a lot more progress toward peace if the American people were to hear of some deviation from the rigid position of your side.

Incidentally, in your comments earlier about the large demonstrations and meetings in the United States and the growing number of Congressmen and Senators who support a disengagement date, I wish to take issue. You are reading these reports wrongly. They want this war to end. Of course, they do. I believe all Americans do, through whatever formula they think best. I am among those who support a disengagement date. But I do so because I want negotiations for a lasting peace to get underway. So wanting peace is one thing, but for you to think it reflects full support of your terms is another thing.

Mr. GALLAGHER. How do they feel about our withdrawing?

Mr. HALPERN. They expressed the opinion that they would release the prisoners without qualification whatsoever, if we would announce a withdrawal date.

I am glad you raised that. I meant to clarify that. There has been much question as to the language. Heretofore, it has been stated that they said they would first discuss the question of the prisoners of war, if we set a withdrawal date. They clarified that to me. They said that there is no question but that they will release the prisoners by discussions. They meant the logistics, they meant the procedures, the way to release the prisoners.

So here is an opportunity for us to call their bluff. Here is an opportunity for us to pass legislation or a resolution to establish a withdrawal date, and in it let's have the stipulation that it be contingent upon the release of our prisoners of war.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you.

Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. Robison, I apologize for having walked out in the middle of your testimony. I am glad to have been back in time, particularly as much as I recognize that these are hearings and not discussions that we members of the subcommittee have. However, I am constrained to say that as long as we have the gentleman on my left entering into the record the testimony of his conversation in Paris, I would like to add that it is incredible to me that anyone would sincerely believe that



an unofficial, informal source of conversations with the North Vietnamese would give us anything but misleading and very much propaganda-oriented material. I had a discussion with Mr. Rosenthal yesterday concerning this topic, and I think that as long as it is going to follow Mr. Halpern's comments in the record, I just would like to disassociate myself from any belief that negotiation can go on between senior partners, junior partners, and middle partners at the same time.

Mr. Robison, I have been looking at your resolution and actually I think you are to be complimented for it. I think it comes very close to the mark. One particular item disturbs me. On page 3 in line 12, the last of the resolved clauses, that it is the further sense of Congress that all U.S. Armed Forces be withdrawn from Indochina.

Now we get back again to the question of Thailand, of what the definition of Indochina is. I am very much in agreement with you that we must remove our military forces from fighting in South Vietnam, including personnel that we have in Thailand. But what of military personnel in Thailand that might be doing things other than flying Vietnam missions? I would hope you might state what your thoughts are.

Mr. ROBISON. May I address myself to that again. My thought was to encompass only former French Indochina, which would not include Thailand.

Mr. DU PONT. That would be Laos, Cambodia, and the two Vietnams.

Mr. ROBISON. Yes.

Mr. DU PONT. I think that clarification would help considerably. I have no further questions, Mr. Chairman.

I again apologize for leaving in the middle of your presentation.

Mr. GALLAGHER. Thank you very much, Mr. Robison.

Mr. ROBISON. Thank you, Mr. Chairman.

Mr. GALLAGHER. Our next witness is Hon. Spark M. Matsunaga, one of the most energetic and effective Members of the House of Representatives, a member of the Committee on Rules. Mr. Matsunaga is a Democrat of Hawaii and will testify in favor of H.R. 4102, the Vietnam Disengagement Act. I am sure the subcommittee will hear a valuable statement.

We apologize for the lateness of the hour, Mr. Matsunaga, but it has been unavoidable. It has been with a great deal of interest that this subcommittee has followed your efforts to bring this war to a conclusion.

Please proceed.

## STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. MATSUNAGA. Thank you very much.

Mr. Chairman and members of the subcommittee, I first would like to commend you for holding these hearings on the proposed Vietnam Disengagement Act and other pending legislation relating to the war in Vietnam. I am happy to learn that great interest has been shown by the Members of the Congress.

These hearings may well be the most important hearings held by any committee in the 92d Congress. They are directed, as I understand it, at finding the best and quickest way to end our involvement

in the war in Vietnam, and certainly there is no more urgent matter than that before the American people today.

Our participation in that conflict is now in the beginning of its second decade, making it the longest war in our Nation's history. Without question, it is also the most tragic and most unwanted war.

The human costs alone are almost beyond comprehension. We have heard the shameful statistics before, but we cannot allow their repetition to dull our sensitivities. More than 50,000 American lives have been lost; total American casualties number more than a quarter million. About 1,600 American soldiers have been captured by the enemy or are missing in action.

South Vietnam counts 130,000 lives lost in combat, and more than a million combined civilian and military casualties. Our Defense Department sets North Vietnamese combat deaths at 742,000, or a total almost equal to the entire population of my home State of Hawaii.

Costs in money are also enormous. In this country alone, over \$100 billion have been diverted from urgent domestic needs to conduct the war that everybody wants terminated.

And the highest cost may, in the end, be the tearing apart of the fabric of American society. From 12,000 miles away, this conflict in a remote area of the world is setting parent against child, old against young, frustrated citizens against established institutions.

The time has come to say, "Enough." In so doing, we will, in effect, be catching up with the American people. Five months ago, Mr. Chairman and members of the subcommittee, 73 percent—almost three in four of those surveyed—told pollsters they favored congressional initiatives to end the Indochina War by December 31, 1971. That is precisely the goal of the Vietnam Disengagement Act.

That bill would set a deadline of December 31, 1971, for the withdrawal of all American ground, air and naval forces from Indochina. Beyond that date, funds would remain available only for (1) arranging the return of prisoners; (2) providing for asylum or other means of assuring the safety of South Vietnamese who might be endangered by our withdrawal; and (3) offering such assistance to the Republic of Vietnam as the Congress approves.

All of us, undoubtedly, want to see the termination of American involvement in this seemingly interminable war. But many Members of Congress, including members of this very subcommittee, may have serious reservations about setting a definite date for complete U.S. pull-out, just as the President has. Generally, these reservations are based on two reasons:

First, that we would be surrendering our bargaining position for the early release of our prisoners of war:

Second, that we would, by withdrawing at the end of this year, be forsaking South Vietnam in its struggle against Communist aggressors.

Let me address myself first to the prisoner-of-war question. It is undeniable that the Government of North Vietnam has consistently flouted the covenants of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, despite the fact that it agreed in 1957 to abide by those covenants, and we have no guarantee that it will abide by its declared intentions. But it is the sad truth that Hanoi has repeatedly announced that it will not even begin to negotiate for the release

of American prisoners of war until we have set a definite date for the withdrawal of all American forces from South Vietnam.

Unfortunately, our prisoners have become pawns in a chess game of war and politics. President Nixon refuses to set a date certain until Hanoi makes a commitment to release our prisoners; Hanoi refuses to make such a commitment until a date certain is set for withdrawal of all American troops. Like the question of the "chicken or the egg" we find ourselves without a solution.

If, as the administration now seems to be planning, we are going to leave 50,000 residual American troops in Vietnam to insure the return of our prisoners of war, we can expect the North Vietnamese to continue to hold them. Inasmuch as we are at a complete stalemate on this issue, we have nothing really to lose by taking the bold initiative of setting December 31, 1971, as that date certain.

The President has also indicated that the return of our prisoners is not the only consideration. He believes that we cannot "bug out" on Saigon until it has established a viable government.

I submit, Mr. Chairman and members of the subcommittee, that South Vietnam now has as viable a government as it can ever have. The fact is that South Vietnam today has more than a million men in its regular armed forces and another half million in militia-type forces—one man in five is formally under arms. We have been told in recent months about substantial South Vietnamese military successes in Cambodia and Laos. One of our top civilian advisers in Vietnam, John Vann, noted in a national news magazine interview last month that Saigon has extended its control of the countryside to the point where many Vietnamese believe the war to be all but over. Mr. Vann concluded, "If the South Vietnamese don't succeed from here on out, it cannot be blamed on the lack of U.S. support."

If anything, setting a definite date for the total withdrawal of our troops will have a healthy effect on Saigon's fighting capability. It would serve notice on that Government's leaders that the United States is not about to leave its combat forces in Vietnam forever, and that they had better undertake fully the responsibility for their own defense.

Setting December 31, 1971, as the date for total pullout of U.S. Armed Forces from Indochina, therefore, will have several positive effects:

The door will be opened for the return of our prisoners of war;

The Saigon government will be forced to assume, once and for all, the full responsibility of its own defense;

We can put to rest the terrible divisiveness which has started to sour American life.

For these reasons, Mr. Chairman and members of the subcommittee, I urge your approval of H.R. 4102, the Vietnam Disengagement Act.

Thank you for your kind attention.

**MR. GALLAGHER.** Thank you very much, Congressman Matsunaga.

Congressman, you represent the area of the United States which is closest to the fighting in Indochina. I recall one of the major arguments advanced during the escalation period went something like this: "To avoid fighting on the beaches of Hawaii, we have to stop the Communists in Vietnam. Did your constituents ever find great merit to that argument?"

MR. MATSUNAGA. For a while, Mr. Chairman, I will state that because of the closeness of our State to Vietnam, perhaps more than in any other State the people of Hawaii were hawkish in effect. As a matter of fact, the first troops to go to Vietnam were from Hawaii and as a consequence Hawaii has suffered the greatest percentage per capita of casualties of all States of the Union and it leads the second State by quite a wide margin.

But things have changed since the initial stages of the war. I for one perhaps reflect the attitude of my own constituency. I at one time was a dove contrary to the popular position in Hawaii at that time. I opposed the bombing of North Vietnam, I opposed the intercession in Vietnam. Despite the fact that the President was of the same political party as myself, I was one of the thorns in the President's side.

Then I did take a trip to South Vietnam in 1965, spent about 6 weeks in that area, and came back with a conclusion that the President was doing the only thing that he could do under the circumstances and I began to support the President's policies. But then I always had deep reservations within myself and I have concluded that to begin with the entire thing was wrong, that we should not have been in there in the first place, and today I have reverted to my original position of opposing the war. I find it is true in Hawaii, as it is throughout the Nation, that 75 percent or more of the people are in favor of withdrawing our troops by the end of this year.

MR. GALLAGHER. Thank you very much, Congressman Matsunaga. We do have a vote coming on and I am just wondering whether it might be possible for you to come back.

MR. MATSUNAGA. Mr. Chairman, I am really delayed for another appointment at this time. I was expecting to go on at 3 o'clock, but as I can see there is great interest in this question. Unless there is a fast question, I could submit it in writing.

MR. DU PONT. There are no fast questions.

MR. GALLAGHER. Thank you very much, Congressman.

MR. HALPERN. I would like to commend our very interesting witness on his very good testimony, and I associate myself with the views you expressed.

MR. MATSUNAGA. I thank the gentleman from New York.

MR. MURPHY. I agree with that statement.

MR. MATSUNAGA. I thank the gentleman from Illinois.

MR. GALLAGHER. Thank you for your excellent contributions.

MR. MATSUNAGA. I thank the chairman.

MR. GALLAGHER. The subcommittee will be adjourned until 2 p.m. tomorrow.

(Whereupon, at 4:07 p.m., the subcommittee adjourned, to reconvene at 2 p.m., Thursday, June 24, 1971.)



# LEGISLATION ON THE INDOCHINA WAR

---

THURSDAY, JUNE 24, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 2:20 p.m. in room 2172, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you to the subcommittee as we continue our investigation of the approximately 70 bills and resolutions which have been referred thus far to the subcommittee.

The first 2 days of our hearings have provided us with a valid opportunity to discuss the many ramifications of legislative initiatives in the area and I anticipate that a public education process which is so vitally a role for congressional hearings will also be felt by the members of our subcommittee. I know this certainly is true as regards the chairman.

Our first witness this afternoon is Congressman Robert Leggett, Democrat from California. Mr. Leggett is a member of the Armed Services Committee here in the House, and has achieved an enviable record of effective service, and certainly has long been concerned with the problem before us today.

We welcome you here today, Mr. Leggett. Please proceed.

## STATEMENT OF HON. ROBERT L. LEGGETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LEGGETT. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to thank you and the other members of the subcommittee for taking the time to review the policy questions surrounding American disengagement from Southeast Asia, and particularly Vietnam.

We have come a long way from 548,000 men down to 225,000.

Our original objective as President Kennedy once said:

We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival of liberty.

These phrases after 45,000 dead Americans, 300,000-plus injured and hundreds of billions of dollars in war expenditures and future veterans benefit obligation now ring rather hollow.

The government that we have been almost paranoid about defending has only a modest amount of liberty, of freedom, and of democracy.

Many of our American and Latin American neighbors surely are more in need of the Kennedy-metaphor largess than some countries in South Asia.

Howbeit, we made the expenditure, we made the sacrifices, we built up the South Vietnam Government—perhaps substituting almost too many American contemporary habits—for the Vietnamese, and accepting in return too much of the Vietnamese familiarization with narcotics.

As an aside, one of the problems is the fact that we have got the Vietnamese convinced they ought to have 20 percent combat troops and 80 percent support troops which is like the Americans, which is something that only the Americans can afford which makes for a very difficult transformation to the Vietnamization process.

The problem now, as a practical matter, is where do we go from here. The President indicates that he plans to phase down to 181,000 after December, but that it's a secret where we go from there. The erratic deescalation dates have the United States apprehensive, rather than the North Vietnamese.

The danger is that the President really does not know where he is going. Where does he get off the Vietnam marathon?

With this in mind, I talked to the North Vietnamese and Vietcong in Paris just 3 weeks ago.

I submit for the record at this point a transcript of each of those 3-hour conferences, my conclusions in the form of a statement and a press commentary.

Mr. GALLAGHER. Without objection, it is so ordered.

Mr. LEGGETT. I believe that is attached to the statement.

(The material referred to follows:)

#### PRESS RELEASE FROM CONGRESSMAN ROBERT LEGGETT

WASHINGTON.—The National Liberation Front, or Viet Cong, has told a U.S. Congressman that if a date for complete withdrawal of American forces from Vietnam is agreed upon, they will release all American prisoners before that date. They also said they would release a complete list of prisoners so soon as the date was agreed upon. The statement was made to Congressman Robert L. Leggett by Nguyen Van Tien, second-ranking members of the NLF negotiating delegation, during a three-hour private meeting held in Paris May 31.

Congressman Leggett cautioned that statements made in private conversation do not constitute public commitments. However, if the NLF delegates publicly confirm their private statements, this would constitute a significant change in their position. Previously, they have said only that they will "discuss" the prisoner issue once the date were agreed upon. They have been unwilling to commit themselves to releasing the prisoners before the completion of American withdrawal, and they have been unwilling to specifically discuss the question of the list.

Mr. Tien also told Congressman Leggett that the NLF would not attack withdrawing American forces, that they would establish an immediate cease-fire once the date was agreed upon, and that the government the NLF hoped to establish in South Vietnam would like to have diplomatic relations with the United States.

Congressman Leggett also met with Nguyen Minh Vy, second-ranking member of the North Vietnamese negotiating delegation, on May 29. Mr. Vy was willing to establish a cease-fire and to refrain from attacking American troops once the date were set, but he would not promise that all prisoners would be released prior to the completion of the American withdrawal.

"It's too bad we met with the North Vietnamese first," Congressman Leggett said. "If we had seen the NLF first, we could have come to the North Vietnamese and said, 'This is what your NLF colleagues told us. Do you agree with their

position?" I don't think the North Vietnamese have ever failed to support a statement by the NLF."

Congressman Leggett quoted statements by President Nixon at his June 1 press conference that he would not offer to set date for total withdrawal because "we have yet no indication whatever that (the North Vietnamese) will be willing to release prisoners in the event that we took certain steps."

"We now have this indication," Congressman Leggett said, "assuming our private conversation is publicly confirmed. At least, we have it from the NLF, which may hold up to 540 American prisoners. If North Vietnam supports the position of the NLF, I urge President Nixon to respond by setting a date."

"Both the North Vietnamese and the NLF insisted Mr. Nixon is using the POW issue as a false pretext for continuing the war," he continued. "They said his real motivation is to maintain the Thieu-Ky government. If the NLF position is publicly confirmed, and if the North Vietnamese support it, I hope President Nixon will give the lie to their accusations by offering to set a date for total withdrawal. I believe Christmas of this year would be reasonable."

Congressman Leggett described his reception as "hospitable and cordial throughout. Our discussions were almost entirely free from polemics." He asked if he could return in a few months for further discussions, and both the NLF and the North Vietnamese indicated this would be agreeable.

---

#### REPORT ON MEETING WITH DELEGATES OF NORTH VIETNAM AND THE NATIONAL LIBERATION FRONT

(By Hon. Robert L. Leggett)

On May 29, 1971, I met with Nguyen Minh Vy, the second-ranking member of the North Vietnamese negotiating delegation in Paris. Two days later, I met with Nguyen Van Tien, the second-ranking member of the National Liberation Front negotiating delegation. Robert Sherman of my staff was present with me during both meetings. Mr. Vy and Mr. Tien spoke through their own interpreters. Mr. Vy and Mr. Tien and their interpreters were most courteous and friendly throughout the discussions.

Our talks were long: two hours with the North Vietnamese and nearly three hours with the NLF. Much of what we said and heard was not new, and there is probably no point in repeating it in detail: our notes from the meetings are available to those who are interested. But I believe we may have made some breakthroughs, at least in our discussions with the NLF.

First. The NLF delegate, Mr. Tien, explicitly told us that if all parties agree upon a date for total withdrawal of US forces from Vietnam, the NLF will release all American prisoners before that date.

Second. Mr. Tien explicitly told us that, once this date is agreed upon, the NLF will immediately release a complete list of the prisoners it holds.

Both of these concessions came unexpectedly. When I asked Mr. Vy of the North Vietnamese delegation, "If we set a firm date for withdrawal and stopped all bombing, could we be assured our prisoners would be returned and our troops would not be attacked?", he responded by referring to the December statement by Madame Binh of the NLF. This is the one which says if we agree to get out by June 30, 1971, they will protect the safety of American troops and will discuss the release of prisoners. I said the June 30 date would have been excellent six months ago, but was now no longer feasible. I urged them to make a more specific commitment than simply agreeing to "discuss" the release of prisoners. I pressed these points repeatedly.

Their response was always polite and cordial, but invariably they wound up referring back to Madame Binh's statement. Their attitude was that this statement indicated all problems would resolve themselves once we set a date. They said, in effect, that my proposal was the same as Madame Binh's, so what were we arguing about. Every time I stated my desire for more specific guarantees, or for a date later than June 30, they just referred back to Madame Binh's statement, although they did say they would consider another date if President Nixon would offer one.

If the North Vietnamese were this rigidly tied to Madame Binh's statement, I was afraid we would just get more of the same when we met with Mr. Tien of the NLF two days later. Happily, this was not the case.



My assistant, Mr. Sherman, asked him, "If the President were to agree to complete withdrawal of all American forces by Christmas of this year, when could we count on recovering all our prisoners?"

Mr. Tien responded, "All the prisoners will be returned before Christmas." Later, he amended this by saying, "If the parties agree on a date for withdrawal of all US forces, we will release all the American prisoners before that date."

In order to be sure there was no misunderstanding, we came back to this point on three separate occasions, and he affirmed it each time. However, I want to caution against over-emphasizing a statement made to me in private conversation. This is not a public commitment. I hope the question of the guaranteed release of prisoners before final withdrawal will be put to Mr. Tien and Madame Binh at their next press conference. If they publicly stand by their statements to us, and I fervently hope they will, then I believe this is one more reason why we should set a date for complete withdrawal.

At his June 1 press conference, President Nixon said he would not see a date for withdrawal because as far as the North Vietnamese are concerned, ". . . It always comes back to the same thing . . . they will agree to discuss prisoners, not release them. We have yet no indication whatever that they would be willing to release prisoners in the event that we took certain steps."

Now we appear to have this offer to release them, subject to public confirmation of course, and I hope the President will act accordingly. It is true that the offer comes from the NLF rather than the North Vietnamese, and unfortunately we met with the North Vietnamese first, and thus did not have the opportunity to ask them if they shared the position of the NLF. I hope the press will ask this question at the next North Vietnamese press conference in Paris. Parenthetically, I believe the North Vietnamese have never failed to support an NLF statement of policy.

Their second unexpected concession was their promise that they would release a list immediately if a date were agreed upon. As we did with the promise to return the prisoners, we came back to this point several times to eliminate the possibility of a mistranslation or misunderstanding.

Now I will briefly summarize some of the other aspects of our discussions. I am, of course, merely reporting what was told to us, rather than stating my own position.

Mr. Tien promised an immediate ceasefire if the date were set. He said he had no interest in maintaining the prisoners in captivity. He said the prisoners were well-fed and received medical treatment when necessary. He complained of brutal treatment in the ARVN prison. He said the NLF wanted to form a government that would include members of the present government in Saigon, although Thieu, Ky, and Khiem must be excluded. He said he believed in one man one vote and thought a multi-party system was possible. He said when the NLF takes over South Vietnam it will want to establish diplomatic relations with the United States. He said the NLF hopes to establish a neutralist foreign policy. He also described their economic program as "neutralist," by which I believe he means a mixture of socialism and capitalism. He said they would like to receive economic aid from anybody, as long as it came without conditions. He said the NLF forces in the Mekong Delta had more than enough food, enjoyed majority popular support, and were doing well.

We made a number of unsuccessful attempts to elicit further concession. On several occasions, I asked Mr. Tien how many prisoners the NLF held; he said they did not have a count. Mr. Sherman suggested it would be a valuable good-will gesture if the NLF were to release twenty or fifty prisoners; Mr. Tien replied that they had at various times released 30 prisoners, including journalists, and that each time the U.S. Government had dismissed it as propaganda. We asked if Christmas 1971 was a satisfactory withdrawal date for them; Mr. Tien replied, "the sooner the better."

I think it's worth noting that, unlike the North Vietnamese, Mr. Tien never once mentioned June 30 as the withdrawal date. Moreover, his demeanor seemed to suggest that Christmas was an acceptable date, although he didn't want to commit himself to it in the absence of any evidence that it was acceptable to our government.

I asked, "If the United States agrees to withdraw on a day certain will the North Vietnamese also agree to withdraw on a day certain?" Mr. Tien smiled and said the Vietnamese would solve this among themselves, politically, after the United States left.

Both the North Vietnamese and the NLF stated their view that President Nixon uses the prisoner issue as a false pretext to continue the war. They said his real



reason is to preserve the Thieu-Ky-Kheim government. They said he had indicated American troops would remain until the Saigon Government was stable. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability; therefore this rationale could be used to keep our troops in Vietnam more or less indefinitely.

Both were willing to pre-commit themselves to guaranteeing the safety of the withdrawing American troops, once a date was set.

Both delegations expressed cynicism toward the elections scheduled for South Vietnam this fall, saying free elections were not possible under Thieu and Ky.

Both Mr. Tien and Mr. Vy expressed interest in our plan for proportional repatriation and disengagement, although both wished to study it further before commenting. I continue to believe this plan could be the most feasible procedural vehicle for carrying out the withdrawal, once we have agreed on a date.

Both Mr. Tien and Mr. Vy received us with hospitality and friendliness, and the discussions were almost entirely free of polemics. Both asked to meet our wives, who were waiting in the car—the NLH went so far as to ask them to sit in on the last hour of our discussion.

I asked both Mr. Tien and Mr. Vy if I might return and talk with them again in a few months, and both indicated this would be agreeable.

Finally, I must add that Ambassador Bruce and our own negotiating team were most cooperative and helped me in every way they could. I was impressed by their intelligence and ability, and I regret that they continue to be burdened by our government's refusal to set a date; they deserve to represent a workable policy.

#### THE HONORABLE ROBERT L. LEGGETT MEETING WITH DRV DELEGATION ON MAY 29, 1971

Together with my assistant, Robert Sherman, we just completed a two-hour conference with Nguyen Minh Vy, the Deputy Chief of the Negotiating Delegation from North Viet-Nam. The interpreter was a man by the name of Xuan Oanh, a gentleman who said he was at the Delegation to study music. The conference that we had was a pleasant one. It did not take the classic form of questions and answers, and in that respect sometimes it was difficult to obtain particular answers to questions that were posed. It started with a statement by myself for perhaps 20 or 25 minutes, followed by a statement from Mr. Vy for a similar period of time, and thereafter we had certain specific answers—certain specific questions.

I would generally conclude that very little new was learned from the conference. It consisted primarily of restatement of prior positions by the North Vietnamese Delegation. They appeared, however, to be very friendly and very much concerned about the opportunity to talk to ourselves. They indicated they considered that we were friends and that they were reluctant to talk to anybody about the prisoner of war issue. They knew that we came to talk about the prisoner of war issue. They were cognizant of the program which we had suggested concerning proportional repatriation. They were impressed with our sincerity in making these proposals, probably primarily because we had attached a Christmas withdrawal date in connection with the percentage of reductions; for this reason they discussed the situation with us. With respect to the particular percentage withdrawal proposal both for troops and prisoners of war, we really didn't appear to have much of a problem. The North Vietnamese Delegation apparently is of the view that the prisoner of war issue is being used primarily by the Nixon Administration to justify a long-time occupation by a residual force in South Viet-Nam, probably for the purpose of maintaining the stability of the South Vietnamese Government.

They were much concerned that Nixon had indicated we could not withdraw until: number one, their troops were withdrawn; and number two, the stability of the South Vietnamese Government was assured. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability and therefore our troops probably would be in Viet-Nam more or less indefinitely. They felt, considering the fact that Nixon had put the double condition onto our withdrawal timetable, that the prisoner of war issue was strictly fraudulent, and they made that point over and over again—that prisoners of war is no problem. I asked them if we set a firm date for withdrawal, could we be reasonably assured if we did no further bombing, that cities would not be shelled and in the withdrawal period that

American troops would not be assassinated if they withdrew, and that all of the prisoners would be returned to us in advance of the withdrawal date.

I assumed a hypothetical date of Thanksgiving or Christmas, or finally Washington's Birthday, and their attitude was that really there was no problem on any of those issues, that of course they were unable and unwilling to assume any other alternative withdrawal date other than the date that Madame Binh had suggested, to wit, June 30 (next month). I indicated that this date was, today, totally unreasonable. They cited General Shoup's testimony indicating that we could withdraw a great number of men in a very short period of time, and I assured them, while that is technically possible, certainly if you were banking on the support of American public opinion, that American public opinion would require a longer duration date, that certainly we would have to—whatever we did and whenever we totally got out—firmly give notice to the South Vietnamese Government, and I told them under no circumstances could that date be less than six months.

So, I said assuming a six-month period, assuming all these prior conditions, and assuming we announced to the press that we would get out by Washington's Birthday—that we would withdraw totally by that period of time and that we would not conduct further bombing—could we be assured that our troops, number one, could get out without incident, that our prisoners could be returned, and that the cities would not be shelled.

The response to that was that—well, Congressman, you have Madame Binh's proposal—that's the same thing. This is your proposal—really there's no problem.

So I generally concluded that they were not really interested in setting up a new possible scenario. They were concerned that whatever we set up would probably be manipulated by the President. They indicated that they had many reservations about the President's good intentions. They also didn't like Mr. Reagan, the Governor of my home state, whom they referred to in a jocular fashion.

[Mr. Sherman speaking, quoting Mr. Vy] : "While insisting on a date of withdrawal, we can assure you there will be no problem in solving the POW problem if the date is set. But Nixon does not do his part—that is in setting the date. We cannot do ours, that is, in releasing the POWs. The difficulty is not from our side."]

I further asked them two questions that were posed in an article by Scotty Reston, as reported in the Washington Star on April 9, where he indicated President Nixon said he would not set a specific date for any American disengagement from the conflict because this might put the remaining troops in danger and interfere with the release of our prisoners of war. Reston asked two intriguing questions—one for Nixon and the other for officials of North Vietnam and the National Liberation Front. First, would Nixon set a date for the total withdrawal of all American forces from Viet Nam if officials on the other side guaranteed the release of all prisoners of war and the safe evacuation of all American troops? And second, would Hanoi and the NLF agree to release the prisoners and guarantee the safe withdrawal of the American Forces if he got a guarantee that all Americans would be out of that country by a certain date? It was my general impression after hearing their answer that they feel there would be no problem in terms of their actions; that is, there appears to be no reason to withhold affirming a certain date for fear of safety of American troops. Apparently they are prepared to pre-commit the safety of withdrawing troops if a firm date for American withdrawal is set.

They finally indicated that they would be glad to talk to me again in perhaps 60 days, that they felt they learned something of American public opinion from our conference, that they wished me well, and wished me to convey my best wishes to members of the American Congress who were concerned with ending the war.

---

STATEMENT OF CONGRESSMAN ROBERT L. LEGGETT, CONCERNING MEETING WITH REPRESENTATIVES OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT, MAY 31, 1971

Congressman LEGGETT. On the above-mentioned date, at my request, Mr. Robert Sherman and myself met with Mr. Le Van Loc (he didn't speak), described as expert, Le Mai, interpreter who was also described as expert, and second man on PRG negotiating team, Nguyen Van Tien. The meeting took place at the above address, a two-story home. Two French policemen were located outside.

We were invited into the home, which had French conventional furniture and draperies and appeared to be clean. We were asked to have a seat and the five of us engaged in a conversation for approximately two and three quarter hours. The PRC people appeared to be cultured and hospitable. They served a thick, carbonated orange juice, cabernet wine and delectable meat rolls as *hors d'oeuvres*.

I began the conversation by explaining that neither Mr. Sherman nor myself represented the Nixon Administration, that we were Democrats, that I was a member of the House Armed Services Committee, and that a number of us in the Congress and many of the people in the United States were interested in reorienting American national priorities and ending the war with peace in Southeast Asia.

We mentioned that a few days earlier we had met with the North Vietnamese, to wit, Minister Vy. We indicated that we had a program that had been now authored by approximately 10 percent of the American Congress which we called proportional disengagement, also known as proportional repatriation. Tien appeared to be aware of our proposal through correspondence and otherwise. I emphasized that the proposal involved a number of factors that were beneficial to both sides, that it would call for a date for disengagement, would assume no bombing or shelling would occur after the date was set, and that proportionally troops and prisoners would all be withdrawn and returned home.

I mentioned that I was aware of the proposal for disengagement suggested by Madame Binh, to wit, June 30, 1971. I indicated that at this time a more reasonable date would have to be looked to, such as next Christmas or spring. I explained to Tien that as far as I was concerned, I felt both sides had an interest in a programmed disengagement whereby the South Vietnamese government would have at least six months notice of American total withdrawal. I used the words that they could be "weaned from the United States."

I mentioned that I felt it was to our mutual advantage that we not have a long-term occupation of South Vietnam. I mentioned that the American people, I felt, were tired of the war in large part because we couldn't afford it due to inflation; that inflation was not a permanent thing, that conditions were bound to get better, that when we were in a healthier economic condition, the American people might again find it to their advantage to continue the war. I mentioned that as a result of this possibility it was to our mutual interest that we negotiate prior to the time the President's de-escalation resulted in a hard-core residual force of occupation.

Mr. Tien thanked me for my explanation. He welcomed our good will to end the war, to bring an early repatriation to troops and prisoners of war.

I had mentioned that the proposal I had made did not receive the blessing of our own administration, and I mentioned the reasons why our proposal had received a negative response, to wit, we were concerned that if the PRC and NVD did not accept a proposal like this we might find it difficult to further disengage.

The response to that by Mr. Tien was that the Nixon Administration's negative answer was easy for him to understand because he felt that President Nixon was using the prisoner of war issue merely as a camouflage to masquerade (his words) Nixon's perfidious schemes to maintain prolonged occupation. He mentioned, as Mr. Vy had mentioned, that President Nixon had conditioned his disengagement intent on two conditions. First, the return of all American prisoners of war and, second, the stabilization of the South Vietnamese government. Tien indicated that the South Vietnamese government could never be stabilized. Tien indicated that Nixon knows the PRG position on prisoners of war. "He knows that they can be returned if he would merely set a date for disengagement, but he insists on maintaining his options for a long-term occupation." He indicated if Nixon would set a reasonable date the prisoners of war could be released soon.

My assistant, Mr. Sherman, asked, if the President were to announce withdrawal of all troops by Christmas of 1971, could the prisoners be released earlier than that date? Mr. Tien smilingly indicated that this was very possible. He indicated that humanitarian considerations would require the release of the prisoners. "When President Nixon sets a date, prisoners could be released through talks relatively soon without attacks on withdrawing troops."

At this point I asked him if we could have a list of the prisoners. He repeated that this can be solved when they receive the notice of withdrawal.

I said, "Well, how many prisoners are we talking about—350, 100, 200, 40?" He smilingly indicated that he hadn't accumulated the lists. I said, "Do you have



so many you cannot count them?" He smilingly replied that when the President provided the notice of disengagement Tien would provide the list of prisoners and the prisoner issue would be settled.

I asked if the prisoners were well-kept. The response was that they were. I asked if they received medical attention. He said that they had hospitals and doctors—many underground. He indicated again that President Nixon is not concerned with the prisoners, only with supporting the Thieu/Ky/Khiem government, that President Nixon needlessly continues to waste the lives and dollars of American taxpayers to support only a handful of bellicose people, to wit, Thieu/Ky/Khiem.

Mr. Tien was concerned that the people in the United States and their other friends around the world continue to exert pressure on the President to end the war. He indicated that they would like to see a termination of hostilities, the establishment of a new government, the establishment of diplomatic relations of the new government with the United States.

I asked him at this point who he expected to win the election in October in South Vietnam. He indicated, that depends on Nixon. If Mr. Nixon wants the war to end, if he wants an honorable end to the war, he will have to support the South Vietnamese people who want the withdrawal of the United States support to the Thieu/Ky/Khiem government. He indicated that the people of Saigon and South Vietnam, in his view, hated the government.

I asked him if Madame Binh and himself were to join in a ticket, if they were allowed, opposing the Thieu/Ky/Khiem ticket, who would win. He indicated that this was not allowed over there.

I asked him what percentage of support in South Vietnam he felt the PRC had. He indicated that they had an overwhelming majority. He said he had considerable support in the urban areas. Because people are tortured and placed in tiger cages it is difficult to determine their allegiance.

I asked if he were a Communist. He indicated he was a neutralist. He indicated that because there was no freedom of speech in South Vietnam, it was difficult to determine the attitudes of the people.

I asked him what major changes he would like to see in South Vietnam besides Thieu/Ky/Khiem and the United States getting out. He said he envisaged a nation of concorde, reconstruction, and economic development as well as respect for independence.

He said he would accept aid from any country if they wanted to assist in rebuilding South Vietnam.

I asked him what he thought of Big Minh's chances for the election. He indicated that depended on Nixon.

I asked him how the government of South Vietnam could redevelop, how the parties could work together. He indicated that everybody could work together, but not Thieu/Ky/Khiem. He indicated that anybody should be allowed to participate in the government who supported neutrality, independence, and peace. This excluded Thieu/Ky/Khiem. But when asked who was the judge of the standards he described, he smiled and said the people will decide.

I asked him if he thought a two-party system would work in South Vietnam or a system where the Communists were allowed, as in the United States, France, and Italy. He thought if they had too many parties the government could not work.

He again made clear Madam Binh's 8 points for a coalition government of the three components: (1) the PRG; (2) the Saigon government, but not Thieu/Ky/Khiem; (3) persons of religious forces, all of whom were for peace, independence, and neutrality.

I asked if he believed in one-man, one-vote. He smilingly said he did (if he understood me)

We asked about reprisals after the war against people who supported the Saigon government. He indicated that reprisals are useless, that the people of Vietnam have had too much of war. They will welcome a neutralist policy.

I asked him if he planned a Communisttype system right away. He indicated he wanted to govern in an independent, neutralist line. I asked if he planned a private enterprise, a Communist, or a socialist economic system. He indicated that he supported a neutralist economic system. I said if you don't plan to have private enterprise or a Communist system, could the system you espouse be described as socialist. He smiled and said, "No, it's a neutralist, independent line." I said that when you write your book on a neutralist, independent economic system, would you send me a copy. He smiled.



I asked why he was opposed to Thieu/Ky/Khiem. He said he was last in South Vietnam in 1969. He said he was opposed to the dictatorial, war-like policies and the corruption of the Thieu/Ky/Khiem government. He was opposed to its support by the United States.

He said that Vietnam was one country for 4,000 years, that there was a common desire for eventual reunification of the North and the South, that he was in no hurry. I asked if he wanted to unify the North and the South right away. He said, "Well, there's a difference in regimes. It will take a long time for reunification, maybe five to ten years."

I asked if the United States agreed to withdraw forces on a day certain, will the NVN also agree to withdraw on a day certain. He stated that the problem of the Vietnamese armed forces will be solved by the Vietnamese parties themselves. I said, "Well, armies solve problems by force." He smiled and indicated that he felt that a political solution was the way the Vietnamese would solve their problems after the United States left.

I asked again if he felt that multi-political parties could work in Vietnam and he indicated, yes.

Back to the subject of prisoners of war, we asked again about health (already covered), and what prisoners got to eat. I asked if they were given food other than rice. He said yes, New Nuong (the meat, rolls we were then consuming). He said the prisoners like it.

We asked again when we could get a list of prisoners. He said when the President sets a date we can have a list. I said how would you like to have a list of your prisoners in exchange for a list of our prisoners.

He said, "They tell us you have only three political prisoners. We asked their names and the names were not provided."

He referred to an article by Don Luce, a copy of which he provided me. The article, he said, refers to one hundred to four hundred thousand political prisoners. He said the United States admits to one hundred to four hundred thousand political prisoners. I asked him where these people were. He said they were in a thousand prisons and jails, at Con Son prison, with 8,000 and he provided me with another list of prisons where he claims political prisoners are being held.

I asked, if I gave him the names of their political prisoners, will he give me the names of our prisoners? He responded that if Nixon desires to end the war and set the date for withdrawal, then all the rest of the problems can be resolved easily.

We talked again of a Christmas disengagement date. I asked him, "Since you are allied with the North Vietnamese and since they provide a list of prisoners and mail service, why don't you?" He said, "I think we have explained that. If Mr. Nixon will set a date for withdrawal, the prisoners can be returned." He stated that thirty prisoners, including civilians, have already been released from the South and that all of the releases were claimed to be merely propaganda efforts.

I asked him why he didn't talk to Madame Binh and give us the names of a few prisoners to take home. He ignored the question. Mr. Sherman then asked a series of questions to the effect that the American position of the President was that if a date were set for disengagement, that the President was concerned that a number of other conditions would be added before prisoners could be released. At that time, Mr. Tien referred to a written statement that he had provided earlier in the negotiations which stated that if a reasonable date for disengagement were set we could have an immediate cease-fire, second, that all parties could immediately enter into a discussion insuring the security for withdrawal and release of all captured military men, that the discussion could be had on release of all prisoners of war, and he said then, that a second matter to be resolved was the disposal of the Thieu/Ky/Khiem government. He indicated that the two problems were linked together which caused us preliminarily to believe that they would require the deposing of the existing Saigon government before the prisoner issue could be resolved.

Mr. Sherman again asked if they felt Christmas was a reasonable date. The answer was the sooner the better I said, "Well, your answer indicated then that the setting of a date is totally immaterial for a solution to the problems, that the main issue is the deposing of the Saigon government which appears to be a condition not under the control of the American people." He indicated that was not correct. The position was not so rigid. I asked him to explain this. He said again that if the United States sets a date for withdrawal immediately, there

would be a cease-fire between the United States and the NLF, that the parties could immediately enter into discussions for the return of all prisoners, captured men and pilots and for the safe withdrawal of all American forces, and then there would be a second question which could later be handled concerning the Thieu/Ky/Thiem government.

I told him that the United States has good control over our troop disengagement but not over the Thieu/Ky/Khiem government. He said that the United States must be responsible. I told him that the American people were not responsible for the government of Saigon, that the American people wanted the withdrawal of American forces, but that there was not majority support in the United States to abandon the Saigon government. I said I anticipated the United States would supply Saigon and Hanoi would supply them (i.e., the PRG) until a political settlement is reached.

I asked him how he thought it would be possible to get rid of the Thieu/Ky/Khiem government. Since they controlled the Army, a coup did not look likely and they appeared to have popular support in the elections the way they were held. He stated if the United States withdraws military support, it's over. I asked him to explain this. He indicated the Thieu/Ky/Khiem government survives on U.S. aid. I asked if the ARVN didn't have billions of dollars of supplies already. He indicated they will need more.

I asked him when was the last time he was in South Vietnam. He stated 1969. His home is in the Mekong Delta in a place called My Tho, 80 kilometers south of Saigon. I asked him if he had read *U.S. News and World Report* last week indicating the Mekong area was reorienting toward the Saigon government. He said the people's movement in the Mekong is very strong, has always been on the offensive. He said evidence of this is the toxic spraying of chemicals by the United States which has destroyed  $\frac{2}{3}$  of the coconut trees, much of the crops and fruit trees. He said if there is no problem in the Mekong, why do we spray the crops.

I asked him if his forces rely on the Mekong food supply. He said yes, that they had plenty of food, a surplus.

I asked where his people sleep at night. He said many places. They go to bed at 8:00 P.M. in liberated zones. This is difficult near U.S. bases where they must live in underground shelters.

I said, "What do you do with your wounded?" He said that they have doctors and hospitals throughout South Vietnam and in the liberated zones. I asked where the liberated zones were and he said, all over.

I asked what percentage of support he had in Saigon, the number of people. He said the people cannot say openly, but the PRG has majority support.

I asked him if the United States withdrew, could the South Vietnamese government survive another Tet-type offensive. He said if there were a cease-fire, there would be peace.

I asked if any of the written material he had given us was new. He indicated that it was provided negotiators last year except, he said, information on the prisoners. I asked if he was tired negotiating. He said, "We are a patient people."

During the conference we asked specifically if a reasonable date was set, perhaps six months away, what would happen? He answered: No. 1—cease-fire; No. 2—We would talk about prisoners and agreement would be reached where prisoners were returned immediately before the disengagement date, that the safety of all troops disengaging would be guaranteed and that a list of prisoners would be provided also immediately.

My wife and Mrs. Sherman were present for about one hour of the conference. They were welcomed.

Tien said he would be glad to talk to me again in sixty days.

Mr. SHERMAN. During the course of our discussion there were several points they made, which were new at least to me. In all cases in order to make sure that there was no misunderstanding, we explicitly restated what they said at least once, sometimes three times, to be sure that they would confirm it. They began by saying that President Nixon's rejection of proportional repatriation was easy to understand because he intended to keep troops in Vietnam and to continue the war indefinitely. He said that President Nixon proposed two conditions for withdrawal—(1) prisoner release; (2) stabilization of Saigon and Saigon cannot be stabilized.

We asked them if we were to withdraw by Christmas, when would the prisoners be returned. They said the prisoners will all be returned before Christmas. This point we reviewed three more times to make sure there was no misunderstanding.

ing. They did not insist on a June 30 deadline, which the North Vietnamese negotiators did. They did back off from their statement in one instance, this was a distinction they emphasized very strongly. They indicated by their mannerisms they felt it was an important distinction, that is that the date for withdrawal must be reasonable and it must be agreed to by all parties.

Later in the discussion, I asked him explicitly if they regarded Christmas as a reasonable date and they said, "The sooner the better."

They said they have no interest in keeping the prisoners. They have no intention to maintain them in captivity.

He said once the United States withdraws, friends of the United States who love peace will replace Thieu/Ky/Khiem. I asked him if they considered themselves friends of the United States. They laughed and said they considered themselves friends of the American people. They said they were ready to establish diplomatic relations with the U.S. Government. They said if Nixon desires an end to the war, the coming election provides an opportunity to get out of the war in an honorable way. They said the government they would establish in South Vietnam would be made up of three elements—(1) the PRG, (2) Members of the Saigon government excluding Thieu/Ky/Khiem, and (3) Other religious persons who stand for peace, neutrality, independence and democracy.

We asked who would decide who stood for peace, neutrality, independence and democracy. They said the people will be the judge when they vote. I said then that they were saying that it will only be by a vote, the election is made not by a preselection and they said, yes.

Then they said they were ready to receive aid from anybody, as long as it came without political conditions.

We asked if they believed in one-man, one-vote. They said yes.

I asked them, "Can you assure us that there will be no blood reprisals against those who associated with Thieu/Ky/Khiem." They said reprisals are useless among their people, that they desire to unite with each other and to rebuild. They have had enough of war. The danger of reprisals is a pretext used by President Nixon to prolong the war.

We asked them if they intended to unite with North Vietnam. They said Vietnam has been one country for four thousand years, that they were not hurried. There are differences between the two regimes. They mentioned a time period of "five to ten years or longer" as the time reference for reunification.

We asked them, "Will the North Vietnamese troops be withdrawn at the same time as the U.S. troops." They very emphatically said that the Vietnamese would solve this problem among themselves.

We asked them if the Vietnamese could work together with multi-political parties and they said yes.

At this point we asked them if once the date is set, will they immediately produce a list of all the prisoners they hold. They said they would. This point we subsequently restated three times and they indicated agreement with it.

I said to them that one of the reasons that President Nixon gave for rejection of proportional repatriation was his feeling that if we offered to set a date in return for releasing the prisoners of war, that then the NLF would raise their price and would ask that the deposing of the Thieu/Ky/Khiem government as an additional price for returning the prisoner of war.

They said they want economic aid only, not military aid. We asked them if we continued to supply the Thieu/Ky/Khiem government, but gave them no military personnel, would that government be able to survive, and they said, no.

We asked them if the U.S. troops withdraw would the Thieu/Ky/Khiem government be able to survive another Tet offensive. They said if the U.S. Government withdrew they would want peace, not another Tet offensive.

We said it would be a valuable good-will gesture to end the war if they were to release twenty to fifty prisoners of war. They said they had released thirty prisoners of war already, including journalists, and that each time President Nixon had dismissed it as propagandist.

We asked them if they were tired of negotiating. They said, "We are patient."

On all occasions when we discussed the list they seemed to regard that list as a relatively minor thing and they emphasized that as soon as we set a date not only would the list be given out, but there would be an immediate cease-fire and they would immediately discuss the release of all prisoners.

Congressman LEGGETT. We generally concluded that our plan of proportional disengagement/repatriation might well be the procedural vehicle which the parties could use to carry out any negotiating prior to actual total disengagement after a date is set.



Mr. LEGGETT. The danger as I see it is that the negotiations are now at an impasse and are strictly polemics.

The Nixon plan presumably is to deescalate to perhaps 50,000 men—a residual force. The military have no idea today of the composition of that residual force. I recently asked General Westmoreland before my committee: "What is that force going to consist of? How many men, et cetera?" He said, "Well, it would be support forces." I asked, "Well, how many Air Force? How many Navy, et cetera?" "Well, we really haven't addressed ourselves to that."

I conclude that they really haven't thought about how they are going to carry on the game next year.

The game would then be to use the residual force to coerce the release of U.S. prisoners, an agreement for the free exit of all U.S. Forces, and an agreement for the stability of the Saigon military force.

We will be there a long time unless we recognize the incongruity of this strategy. I don't think we should have much hope of Americans of a small residual force bombing North Vietnam to release prisoners created by very similar earlier bombing activity, in the 1965 to 1968 period.

The residual force idea is not really a logical chess move.

This really means that we should bargain today and make the best of a very unsatisfactory situation.

The President says he wants action. What Mr. Sherman of my staff and I determined in private talks in Paris is that the President can obtain a peace agreement on action in private talks also if negotiators were as free to speculate on future scenarios as we were. That is, if they were free to talk about a date for total withdrawal.

I am satisfied that these negotiators, while they do talk occasionally in private with the other side, are so hamstrung by the no-date restriction that they really can't accomplish much more in private talks than they can in public talks.

I have an invitation to return.

I frankly don't believe the matter should need to be resolved by legislation unless the President unreasonably balks. I think he is balking.

If he wants action, I know he can achieve agreement on:

One, an immediate cease-fire against U.S. forces.

Two, a guarantee that U.S. forces will not be fired on—that assumes bombing and shelling of cities will stop by both sides.

Three, a POW list in South Vietnam of American prisoners.

Four, a guarantee that prisoners would be released proportionally as troops are withdrawn—so that all POW's are returned before the last of the troops are out. This could be the proportional disengagement plan of Mr. Riegle of Michigan and myself, coauthored by over 10 percent of the Congress.

All this can be firmed up in private meetings. I am sure we could arrive at a settlement where American and Communist aid, both economic and military, could continue.

Needless to say, the future course after U.S. withdrawal is fraught with problems that we should not now try to solve. We should try to keep it as simple as possible.

The President is interested in a stable Saigon military. He can't wake up some morning next year and miraculously declare—well, they are stable today.



A better plan would be to do it in advance—to extrapolate the fine success of the Vietnamization program, the democratic elections scheduled and simply state, based on this past record, that 6 or 9 months from today the situation is going to be deemed stable and then we are going to have permanent withdrawal of American forces. I am sure that this then would satisfy the President's second condition and would lead to peace.

I was pleased to hear this point made most eloquently 2 days ago by Senator Ted Stevens of Alaska, who must be described as one of the most stalwart Republicans. He pointed out that the ARVN regular forces now number 1,100,000. In addition, there are 550,000 in the home guard, and 4 million in the people's self-defense forces. There are 1,300,000 people with automatic rifles in their homes. He said, "It is like telling one's children when to fight. Sometime we have to trust the people of Vietnam."

Mr. Chairman, I believe that time has arrived. The people of South Vietnam have received 17 years of American training, over 150 billion American dollars, and their armed forces now outnumber the other side by more than 5 to 1, even excluding the people's self-defense forces. So the people of South Vietnam now have the ability to have any government or kind of government they are willing to fight for. If they are willing to fight for the present government, they can preserve it with no help from us, other than the continuation of supplies. If they are not willing to fight for it, it will be futile for us to continue to do their fighting for them.

This 6- or 9-month notice to Saigon would put them on notice and also would be satisfying the President's second condition.

Unfortunately, the administration's position has been confused and ambivalent.

On March 9, Secretary Rogers was asked by a reporter:

"Are the prisoners the only reason we would be leaving troops there?"

He answered, "Yes."

He was then asked:

"So, if the prisoners are released or the North Vietnamese agree to release them, will we get out?"

Again, his answer was, "Yes."

But on June 16, he directly contradicted his earlier position when he held a press conference—

"\* \* \* Obviously, the United States, although we have tremendous concern for the safety of the prisoners, can't lose sight of our national purposes, and we can't absolutely abandon our national objectives to pay ransom."

Of course, Mr. Zeigler's response to Mr. Clifford and the rest of us when we made our revelations 2 weeks ago was to say, well, the President, to paraphrase, really wanted more than just private hints. He wanted—he indicated he wanted to be sure our troops and prisoners could get out safely, which we assured him could happen, but then he said we wanted a reciprocal withdrawal of troops.

This was the White House public statement adding a third condition that we wanted the North Vietnamese also withdrawn from the South.

The present situation, the indecision and imprecision regarding our national objectives makes it impossible to have a coherent foreign

policy. It makes it impossible to develop a plan, and if continued, it will make it impossible for us to extricate ourselves from Indochina.

There are two possibilities: First, that the administration is not clear in its own mind regarding our objectives in Vietnam. I think they are like the Notre Dame football team. They never get down to brass tacks or exactly how tough the opposition is. We are just whistling in the dark, even in the White House.

Second, that the administration considers the indefinite preservation of the Thieu-Ky government as a national objective, in which case I can say without hyperbole that there is no hope for POW release or an end to the war in the foreseeable future.

As I said on the floor the other day, if the CIA is planning a Saigon police force, which they are, and that police force is perpetuating the existing government, which they are, then we have the CIA working to perpetuate the Thieu-Ky government and we ought to get out of that business and let these people level this out themselves and seek their own level and work an accommodation among the Vietnamese in Southeast Asia.

This brings me to the role I hope the Congress, the House, and this committee will play.

I believe we should act affirmatively and creatively to resolve the war. In accordance with the national interest and the will of the American people, I believe we should declare that our national objectives in Indochina are confined to the recovery of every living American serviceman from Indochina and that, while we will continue to supply material aid to some of the governments in that part of the world, we will not supply personnel; they must truly "hack it" on their own. We can give lipservice to past accomplishments or Vietnamization, or anything else. Further, I believe the House should try to develop broad policies leading to the achievement of these objectives.

Two days ago, the Mansfield resolution passed the Senate by a substantial majority. As you know, this is an amendment to the draft bill which declares the sense of Congress that we should withdraw within 9 months, provided a satisfactory settlement is reached on the prisoner issue. I feel we should instruct our conferees to accept this amendment.

They talk of staged releases in that amendment, which is equivalent the Riegle-Leggett proportional repatriation program. Of course, the draft bill is outside the purview of this committee, so I will not dwell on it.

The Cook-Stevens proposal, which is similar to the Mansfield resolution except it is mandatory rather than advisory, failed of passage by one vote. According to the press, this one vote was supplied by a Senator who apparently misunderstood the parliamentary situation, and had intended to support the proposal. So there is a strong chance this proposal will be successfully attached onto some later bill. This may be a bill that comes before this committee. If it does, I urge you to support the proposal, whether the issue arises in committee or in conference.

But beyond this, Mr. Chairman, I hope we can plan a leadership role in ending the war. For many years, the House has been secondary to the Senate in matters of foreign affairs. This is due in part to the

constitutional reservation of treaty-making powers, but in greater part to force of habit. I see no reason why this should continue, and I hope it will not. I have the greatest respect for Senator Fulbright and his colleagues, but certainly they are not more able than the members of this subcommittee.

Since last fall, a number of us have been working on a proposal which takes up where the Senate proposals leave off. It outlines a feasible and realistic mechanism whereby we can safely proceed to withdraw all forces and recover all our prisoners. We call it "Proportional Repatriation."

It is House Concurrent Resolution 317, and I ask unanimous consent that this resolution, with its coauthors, be inserted in the record at this time.

Mr. GALLAGHER. Without objection.

(The resolution referred to follows:)

[H. Con. Res. 317, 92d Cong., first sess.]

## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1971

Mr. LEGGETT (for himself, Mr. McCloskey, Mr. Seiberling, Mr. Abourezk, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Beigh, Mr. Bergland, Mrs. Chisholm, Mr. Clark, Mr. Danielson, Mr. Dellums, Mr. Denholm, Mr. Dow, Mr. Drinan, Mr. Eilberg, Mr. William D. Ford, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Gray, and Mr. Green of Pennsylvania) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs.

### CONCURRENT RESOLUTION

Whereas the Government of the United States has indicated it will not totally withdraw from Vietnam until the American prisoners held in Southeast Asia have been released; and

Whereas the National Liberation Front and the Government of the Democratic Republic of Vietnam have indicated they will discuss the return of American prisoners once a date for total American military withdrawal from Vietnam has been set; and

Whereas the Government of the United States has an obligation to secure the release of those American citizens held as prisoners in Southeast Asia; and

Whereas the American national interest would best be served by termination of the war in Vietnam: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that American troops should be withdrawn from Southeast Asia and American prisoners in Southeast Asia should be released simultaneously.

SEC. 2. It is further the sense of the Congress that the President of the United States should take such steps as may be necessary to inform the representatives of the forces holding American prisoners in Southeast Asia that the United States is prepared to—

(1) withdraw military and paramilitary personnel from Southeast Asia, including off-shore naval air and naval artillery support forces, in proportionate numbers, by stages, each stage equal in percentage to the percentage of American prisoners concurrently released by the forces holding American prisoners in Southeast Asia;

(2) accept the good offices of an intermediary, who will be a neutral nation or international agency acceptable to both the United States and to the forces holding American prisoners in Southeast Asia, whose function will be to (A) receive and hold each contingent of American prisoners as they are released, (B) verify that the appropriate number of American military and paramilitary personnel have left Vietnam, and then to (C) turn the American prisoners over to the American forces;



(3) permit the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that withdrawn American troops are not being replaced under the guise of rotation;

(4) publish, twice monthly, a list of total number of American military and paramilitary personnel in Southeast Asia; and

(5) complete the withdrawal of all American military and paramilitary personnel including off-shore naval air and naval artillery support forces, from Southeast Asia by a specified date to be determined by negotiation, which date shall not be later than December 24, 1971.

SEC. 3. It is further the sense of the Congress that actions by the United States to implement the proposals described in section 2 of this concurrent resolution should be contingent upon an agreement on the part of the forces holding American prisoners in Southeast Asia to—

(1) publish a complete list of all Americans they hold, including a description of the physical condition of each prisoner;

(2) publish a complete list of American prisoners who died in captivity, including date and cause of death, and return the remains in those cases in which it is possible to do so;

(3) return all American prisoners in proportionate numbers, by stages, each stage equal in percentage to the percentage of American military and paramilitary personnel withdrawn from Southeast Asia;

(4) accept the good offices of an intermediary, as outlined in paragraph (2) of section 2 of this concurrent resolution;

(5) allow the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that there are not more American prisoners than were named in the list provided under paragraph (1) of this section;

(6) repatriate American prisoners in the order of the length of their captivity with the exception that those in serious need of medical attention be returned first;

(7) refrain from initiating military action against departing American troops;

(8) send all Chinese and Soviet military advisers out of the Democratic Republic of Vietnam, and permit the intermediary to verify that this has been done; and

(9) complete the repatriation of all American prisoners on the date of completion of the withdrawal of American military and paramilitary personnel from Southeast Asia.

Mr. LEGGETT. I also ask unanimous consent that an explanatory magazine article I wrote, and a letter from Barbara Mullen, whose husband has been a prisoner of war in Laos for 5 years, be inserted in the record.

Mr. GALLAGHER. All right.

(The document referred to follows:)

[Reprint of article from *The Nation*, Mar. 29, 1971]

#### TROOPS AND PRISONERS, HOW TO BRING THEM ALL HOME

(By Representative Robert L. Leggett)

*Mr. Leggett has been a member of the House of Representatives, serving the Fourth Congressional District of California, since 1962. He is a member of the House Armed Services Committee.*

"As long as there are American POWs in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

—President Richard Nixon (Mar. 4, 1971)

"We are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war."

—Secretary of Defense Melvin Laird (Dec. 15, 1970)

"In case the United States Government declares it will withdraw from South Vietnam all its troops . . . by June 30, 1971, the people's liberation forces will refrain from attacking the withdrawing troops of the United States . . . and the

parties will engage at once in discussions on . . . the question of releasing captured military men."

—*Vietcong Chief Negotiator Mrs. Nguyen Thi Binh (Sept. 17, 1970)*

WASHINGTON.— We won't get out until we're sure they'll give the POWs back. They won't settle the POW question until they're sure we're getting out. So why not do both at once?

We want our prisoners back, and have no use for a permanent military presence in Southeast Asia. The other side wants us out of Southeast Asia, and has no long-term use for its American prisoners. So let us accommodate each other.

Together with my colleague Donald Riegle (R., Mich.), I have developed a plan, called "proportional repatriation," that would enable us to withdraw all of our troops and simultaneously recover all of our POWs. The plan is fair to both sides. It is feasible, and as nearly foolproof and cheatproof as a settlement of this kind of war can be. It is more favorable to our national interest than any other settlement we are likely to get, in that it brings a prompt end to our part of the war and a prompt return of the POWs.

Its basic provisions have been endorsed by twenty-five members of Congress and were sent to President Nixon on January 2. He has not responded as of the time of this writing. This article is the first public discussion of the details of the plan.

The crux of the plan is an agreement between the United States and the three forces that comprise the other side (North Vietnam, the NLF and the Pathet Lao) to repatriate all American POWs and withdraw all American troops in equal percentage installment.

Suppose, for example, that the other side holds 700 American POWs. Suppose further that at the time the plan were put into effect, 300,000 American troops were in Southeast Asia. Every time the other side returned 10 percent of the POWs it held, which would be seventy prisoners, we would withdraw 10 percent of our troops, which would be 30,000 men.

North Vietnam, the NLF, and/or the Pathet Lao would turn the seventy POWs over to an intermediary, which would be an international agency or a neutral nation that both sides found acceptable. The intermediary would hold the men until it verified that 30,000 American military personnel had actually left Vietnam. Then it would release the POWs to American hands.

This process would be repeated at regular intervals, perhaps every two weeks or every month, until all POWs were returned and all American troops were out of Southeast Asia. The exact schedule, to which both sides would make a public commitment, would be decided at the Paris negotiating table. The schedule would have to specify a date by which the last prisoner would be returned and the last soldier withdrawn. There is no reason why it should be later than Christmas Day of this year.

The first question which comes to mind regarding an agreement with a Communist power is, "Can we trust them?" We can't—any more than they trust us—but it doesn't matter. International agreements are not built on trust but on self-interest. We can be confident the other fellows will keep their part of this bargain because they know it's in their interest to do so—provided we clearly commit ourselves to getting out. The importance of a commitment to withdraw by a specified date cannot be overemphasized. The other side has repeatedly indicated that nothing less will induce it to release the POWs.

Offers to exchange North Vietnamese prisoners for American prisoners are futile, no matter how favorable the exchange ratio. The other side doesn't want its men back badly enough to trade the only bargaining card it holds. The American POWs are North Vietnam's only assurance that we won't adopt Curtis LeMays strategy of "bombing them back to the Stone Age; Hanoi has repeatedly indicated that it won't give them up unless it gets American withdrawal in return.

Letters-to-Hanoi campaigns, Ross Perot's airplane trips, and so forth, may secure better treatment and improve the mail flow for the prisoners, although the bombing halt has probably made the greatest contribution in this regard. But not all the letters and Veterans Day speeches in the world will get the men back.

Nor should we deceive ourselves that partial withdrawal will get us anywhere. The other side is most unlikely to trade half the POWs for a 50 per cent withdrawal, or even 95 per cent of the POWs for a 95 per cent withdrawal; a partial withdrawal does not alter our basic commitment to determine who will govern South Vietnam. The American military presence in Vietnam is an all-or-nothing

proposition. If we leave even 1,000 men there, concern for their safety commits us to support them, in the event of an ARVN collapse, with whatever reinforcements would be necessary to prevent their being overrun by enemy troops. Recent experience in Cambodia suggests that such reinforcements would be used to save not only the American troops but the Saigon government as well.

In the eyes of North Vietnam and the NLF, a withdrawal capable of being reversed would probably constitute no significant change from our present policy. The North Vietnamese and the NLF consider themselves to have been badly burned by the 1954 settlement. As they see it, they allowed themselves at that time to be negotiated out of their battle-won right to rid Vietnam of foreign control. They have repeatedly demonstrated their determination not to let this happen again, but to fight on—indefinitely, if need be—until all foreign forces have gone home.

So the only meaningful withdrawal is complete withdrawal. We can continue to supply Saigon with military aid, just as China and the Soviet Union supply the other side; but if we are serious about getting the POWs back, we must withdraw all American military personnel of all kinds from Southeast Asia. No more combat troops, no more support troops, no more advisers, no more air or artillery strikes, no more looking toward a "Korean solution." In short, we must put the Saigon government on a sink-or-swim basis.

There seems no reason why this shouldn't be done at once. The Saigon government has had the benefit of sixteen years of American training, more than 130 billion American dollars, and more than 45,000 American lives. Its army outnumbered the combined forces of the NLF and North Vietnam by more than 5 to 1, and the ratio of dollar value of military equipment is even more favorable. If we are to believe the advocates of Vietnamization, the other side is debilitated, demoralized, and decimated, its fighting forces consisting primarily of pre-teenagers and old men. If, after we have done so much for it, the Saigon government enjoys so little popular support that it is unable to hold its own, further effort on our part would be wasted.

But above all, we are faced with a choice between saving our POWs and continuing to protect Thieu and Ky from their moment of truth. We cannot do both.

In order to demonstrate good faith, and to safeguard against the possibility of cheating, each side would have to take certain steps, openly and publicly, before proportional repatriation could begin.

The other side would:

Publish a complete list of all the prisoners it held, including a description of each man's physical condition. (The list the North Vietnamese recently gave Senator Kennedy did not include descriptions of conditions, there is some doubt as to its completeness, and of course it could not include men captured after the list was compiled. No lists at all have been released by the NLF or the Pathet Lao.)

Publish a list of men who died in captivity, including date and cause of death.

Agree to allow the intermediary to run unannounced checks and inspections to satisfy itself that there were not more POWs than were publicly admitted.

Agree to repatriate prisoners in order of the length of their captivity, with the exception that those in serious need of medical attention would be returned first.

Agree to send all Chinese and Russian military advisers out of North Vietnam, and to permit the intermediary to verify that this had been done. If the Saigon army is to carry on without outside advisers, it is fair that the other side do the same.

Agree to refrain from initiating military action against departing American troops. (This calls merely for a reaffirmation of Madame Binh's statement of September 17.)

In return, the United States would:

Agree to continue to publicize the number of its troops remaining in Vietnam, as we have done in the past.

Agree to publicize the number of American troops in all of Southeast Asia, in order that they could be included in the proportional withdrawal schedules.

Agree to allow the intermediary to inspect our books and run whatever other checks it felt were necessary to verify that we did not have more troops in Southeast Asia than publicly admitted, and that we were not rotating in more men than we were taking out.



Both sides would agree to accept the intermediary as final judge of alleged violations of the agreement.

Certain questions naturally come to mind with respect to proportional repatriation:

*What do we do if they offer to release all the POW's immediately?* We accept. We get our men out as fast as we can load them onto planes. Meanwhile, the POWs will have been turned over to the intermediary, and we'll have no further worries about their medical care or living conditions. It might take us a month to fly all the troops out of Southeast Asia: the difference between this and a year of continued fighting will be more than 2,500 American lives. We'll have to abandon several billion dollars worth of equipment that we'd prefer to dismantle and evacuate, but lives are more important than computers and aluminum runways.

*What do we do if they don't offer to release any POWs?* If they reject proportional repatriation because of a specific detail, such as the date for total withdrawal, we'll at least have a basis for meaningful negotiations. It's inconceivable to me that they would reject the plan out of hand, but if they did we'd simply be back where we are now.

*Isn't it possible that the other side could keep unacknowledged prisoners hidden in remote camps where the inspectors might never find them?* That is possible no matter what course we follow. Even if we were to invade and occupy all of Southeast Asia, the opposition might still keep a number of American prisoners hidden away deep in the jungle. Proportional repatriation minimizes the possibility by providing the strongest possible incentive not to cheat.

The Vietnamese who hold our men prisoners have been fighting almost continuously for thirty years to drive foreigners out of their country. Agreement on proportional repatriation would set the date of final success only months away. No matter how carefully they hid the prisoners, the possibility of being found out could never be completely eliminated. The last thing in the world they would want to do would be to jeopardize the withdrawal of American troops by violating the agreement.

*What do we do if they attack us as we're leaving, creating another Dunkirk?* Attacks on withdrawing American troops would violate the proportional repatriation agreement, as well as the present stated policy of North Vietnam and the NLF. It is always implicit that we shall do whatever is necessary to protect our troops. It would be incredibly stupid of the North Vietnamese or the Vietcong to hamper our withdrawal in this way, and they know it.

*How do we know they won't play along with us for a while, then abrogate the agreement before they've returned all the POWs?* We know they won't do so because if they did we'd come out ahead. Partial repatriation is of considerable value to us but, to reiterate, partial American withdrawal is of very little value to them.

*How do they know we won't play along with them for a while, then abrogate the agreement before we've pulled out all our troops?* They know that the domestic political penalties falling upon a President who did this would be prohibitive. Current polls shows the American people favoring, by margins ranging between 2 to 1 and 3 to 1, legislation to compel total withdrawal within one year—even if we don't get the POWs back. Once the withdrawal date was set, public support for ending the war would become even greater. Nothing could persuade the American people to re-elect a President who then reversed course and plunged us back into the quagmire we had almost escaped.

*Don't we have an obligation to stay in order to prevent the blood bath that might follow a Communist victory?* First the behavior of the Thieu-Ky government has given no reason for confidence that the blood bath which might follow a Communist victory would be any greater than that which might follow an anti-Communist victory. The post-civil-war blood bath in Asia is hardly peculiar to communism, as the victorious Indonesian anti-Communists demonstrated a few years ago, when they put nearly half a million Communists and alleged Communists to the sword.

Second, the worst blood bath of all is that which we create by staying and prolonging a war which the Vietnamese would have settled among themselves years ago.

Third, the South Vietnamese people themselves expressed their feelings on this matter last summer in a poll, conducted by the Pentagon East, which found 65 per cent wanting all Americans out of their country, 5 per cent wanting the Americans to stay, and 30 per cent undecided. (Despite attempts to suppress the

poll, the irrepressible Sen. Stephen Young of Ohio, now unfortunately retired, found it out and read the results into the *Congressional Record*.)

*We don't recognize either the National Liberation Front or the Pathet Lao as independent agents. What do we do if they refuse to negotiate through the North Vietnamese, and instead insist on separate settlements?* If we can get our men back by separate settlements, then let's make separate settlements. Between them, the NLF and the Pathet Lao hold eighty-two known American prisoners, and may hold up to 700 more. The freedom of even eighty-two men is more important than whatever debating points can be gained by refusing to concede the independence of these groups.

*How about a military solution to the POW problem? Why don't we resume heavy bombing, or perhaps conduct more raids such as the one on Sontay?* The North Vietnamese have already proved that they respond to heavy bombing in the same way as did the citizens of London and Berlin during World War II. Bombing doesn't make them give in; it makes them dig in and fight harder. As for the Sontay raid, its results speak for themselves. We can expect similar operations to meet with similar success in the future.

*Why must we withdraw from all of Southeast Asia, rather than from just Vietnam and Laos?* Under the Nixon Administration, the sole official mission of all American military operations in Southeast Asia, including the carrier task forces and the air bases in Thailand, has been the protection of American troops in Vietnam. Once these troops are withdrawn, the forces outside of Vietnam will no longer have a reason for staying—unless we envision continued air strikes in support of the Thieu-Ky regime. We may be sure that such continued air support would not fit the other side's definition of American withdrawal, and would prevent the release of POWs.

*What about the North Vietnamese and Vietcong prisoners held by our side?* We hold no prisoners ourselves; all those we capture are turned over to the Saigon army. The question of these men, along with that of the South Vietnamese held by the other side, is a matter to be decided among Hanoi, Saigon and the Vietcong. What I am proposing is a settlement of the American part of the war.

*Do the Australians, Koreans and New Zealanders have to pull out with us?* They can stay if they wish.

*How is proportional repatriation better than Vietnamization?* Vietnamization provides no incentive to the other side to return the POWs, and no guarantee that they will be returned; proportional repatriation provides both. Vietnamization ties withdrawal to military progress by the Saigon government, giving Thieu and Ky an incentive to make no progress and thereby prolong our sugar-daddy presence forever. Proportional repatriation sets a firm date for complete withdrawal, thereby putting Thieu and Ky on notice that they'd better shape up because we're shipping out.

*What will our allies think if we pull out?* Our most important and most reliable allies—Japan, Israel, Canada, the West European democracies—will breathe sighs of relief. They've demonstrated the extent of their belief in our Southeast Asia effort by the number of troops they've sent to help us.

*Is return of the POWs a fair price for withdrawal? Shouldn't we ask for more?* To ask a stiff price for withdrawing from Vietnam would be like demanding that a surgeon pay us a stiff price for taking out our inflamed appendix. The war is not an asset to us; it is a colossal liability. It has torn our country in two, plunged our economy into recession, forced us to neglect urgent domestic needs, and exacerbated the cold war. It has cost us the position of world moral leadership we once held. Nothing could serve our national interest more than a simple, quick and total withdrawal, even if we received no concession from the other side in return. If we can get out and at the same time get the POWs back, as it appears we can, we're fools if we don't seize the opportunity.

LETTER FROM MRS. BARBARA R. MULLEN, WIFE OF PRISONER OF WAR

OAKLAND, CALIF.,

March 12, 1971.

DEAR REPRESENTATIVE LEGGETT: This week marks concern for our POW's—again. Congressmen will make speeches honoring, praising and expressing sympathy for these men. Some will infer that support of current U.S. action in the war is necessary in order to support these men. Others will use it as an opportu-

nity to condemn this war. I wonder if any will really try to help us. I've had enough sympathy to drown in self-pity and enough praise to burst an ego—no more please.

If I could crawl into the conscience of each congressman I would ask him to destroy his pat speech and instead spend a solemn hour probing for a real solution to the problem.

It would be naive to expect congressmen to consider the prisoner of war issue completely separate from their own views about the war. Realizing this, I nevertheless ask them to review some elements of the problem objectively.

1. U.S. and world pressure aimed at Hanoi has not been overwhelming, but it has achieved an increase in letters from POW's in North Vietnam. It has not produced information about any of the missing men in South Vietnam or Laos (nearly 800). No POW's have been released in the past year and a half and the North Vietnamese, Viet Cong and Pathet Lao have not lived up to the provisions for POW's in the Geneva Convention. This world pressure strategy has run its course.

2. Negotiations in Paris on POW's have been fruitless. We have offered large numbers of North Vietnamese prisoners in return for ours. We have also offered a cease-fire. Both have been refused. The Communists—NLF and North Vietnamese have stated many times that they will release our POW's in return for a stated U.S. withdrawal date. The Administration has refused to do this. General Hughes, White House Military Advisor, has told me the reason for this is that the POW question must remain humanitarian, separate from political or military considerations. Senator Dole, Chairman of the Republican National Committee, told me (letter dated March 10) that on the question of negotiating for the release of POW's, "... the word of the Communists is difficult to trust." "... that since World War II there have been an endless number of agreements reached with the Soviet Union but invariably they have been broken." These and other Administration statements indicate that the intention is not to bargain for the release of these men.

3. If then the Administration is to insist this is a separate humanitarian issue, we are again left with the same strategy of pressuring the Communists to live up to the Geneva Convention—a strategy that has thus far failed. The Geneva Convention has been ignored by the North Vietnamese though they did sign it (1957). Our only shakey means of holding the Viet Cong and Pathet Lao to the Convention is by virtue of the fact the official governments of Laos and South Vietnam (1965) signed it. The document has been totally ignored by both of these groups, a fact which affects half of the Americans missing in Indo-China.

Repatriation in the Convention is covered in Article 118. It states that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." The important point to remember about the present "Vietnamization" plan is that there will be no clear cut "cessation of active hostilities." Even if we could convince the Pathet Lao and the Viet Cong to consider the Geneva Convention a valid document, when can we tell them that hostilities have ceased if American air power continues in support of ARVN and against supply routes and if U.S. equipment is still being used in combat?

I ask much more of the members of Congress this week than another "Memorial Service." I ask them to seriously consider the difficulties I have outlined and suggest a way out of the deadlock. I am not satisfied with President Nixon's "no bargaining for these men" position. I think for some heroic reason he respects their sacrifice, but has built his approach to their repatriation on wishful thinking. On the other hand Congressmen who oppose this war have allowed deep resentment toward the war to negate human feelings toward fellow Americans held captive in the conflict. Not as hawks or doves, but as Representatives in the U.S. Congress, Congressmen owe a responsibility to these men.

In all of Congress only one specific plan for return of these men has emerged. The proportional repatriation-withdrawal plan proposed by you, Congressman Leggett, and twenty-two other representatives takes cognizance of the only offer the communists have thus far made for the release of our prisoners. It seems realistic and has given many families a first sense of hope in years. I ask all Congressmen to consider this plan. If it is acceptable, support it, if not, please offer another concrete plan in its place. Please find a way to convince our President to bargain realistically for these men. The longer we wait, the fewer of them there will be to bring home.

I close on a personal note. If my husband ever lives through these years of internment in the jungles of Laos, he may ask why he was left there so long. What can I answer him? During his first 2½ years of captivity government officials



and Congress were silent and his sons grew from babies to little boys. During the following year the war continued the same, his oldest son started school, the President announced publicly that there were American prisoners of war and Congress passed a resolution saying they supported them. The war went on another year and Congress designated a day of prayer for my husband and other missing Americans. The following year members of Congress called a joint session and said they still supported him. In March of 1971 his sons were half grown and Congress took note of a week of concern . . .

Very sincerely,

BARBARA R. MULLEN.

Mr. LEGGETT. The basis of proportional repatriation is a trade of troop withdrawal for total prisoner release.

Proportional repatriation is consistent with and complementary to the Mansfield and Cook-Stevens proposals. The committee could combine them if it so desires. It seems clear that the final settlement of the war will be along these or similar lines, aside from any question relating to the Thieu-Ky government. But now Secretary Rogers, in the statement to which I referred a moment ago, is saying we will not go as far as they have; he is saying we have other "national objectives" that take precedence over the withdrawal and prisoner issues. I feel our policy is counter to the national interests and should be changed. I hope the House and this committee can play an active part in changing it.

Finally, I hear it said that we should leave foreign policy to the President, that he is the only one who is qualified.

This is what we heard 5 and 6 years ago, this is what we did, and we have been regretting it ever since. The present policy is fully as well intended as the Johnson policy, but it appears to be equally erroneous.

We were wrong to uncritically accept the Johnson policy. Our country has suffered grievously as a result. I hope we will not make the same mistake again.

Thank you very much.

Mr. GALLAGHER. Thank you, Mr. Leggett, for your statement.

Mr. Leggett, one of the things that always intrigued me and some of my colleagues is that when unofficial people such as yourselves visit the North Vietnamese negotiators, they indicate at all times that they are ready, willing and able to perform any and all functions to bring the war to a halt, if we would do just some things ourselves. Yet we do things and we never see any action on the other side. How would you explain that?

Mr. LEGGETT. Well, the only way I can explain it is I perhaps have already made reference to the fact that we have got a ball club which is our negotiating team under Ambassador Bruce. I might say while I was in Paris, I cooperated with that negotiating team. I fully was briefed by them immediately prior to my conferences with the Communists, and I was fully debriefed by them through their stenographers after my conferences. And my informal conclusions are that really Mr. Wolff and myself, Mr. Halpern, have received more answers to more questions in our informal conferences in just a few hours than the formal conferees have been able to obtain in several years of negotiating.

Now, they might be dumb answers and they might be inaccurate, but I tend to think that in an atmosphere of informality, things can hap-

pen. Secondly, I say that—and I told the White House this—that until you free your negotiators up so that they have the same flexibility to speculate on possible scenarios of ending the war and don't have to constantly reiterate the line of "why don't you get your troops out and we will get our troops out," we pretty well determined that we are not going to wait for them to get their troops out, so why go through all that? If we could free our negotiators up to speculate on what kind of hard things we can get if we get out, for instance, by Christmas, or Washington's Birthday, or Easter time, write it out, our official people can get it laid out.

I am satisfied they can. But I am satisfied of this: That in spite of the informality of our talks and the things we came back with when they have their confrontation, formal confrontation after those meetings, and the confrontation says, well, have you changed your mind because of your Leggett-Wolff meeting or something like that, they will say, "Hell, No, our position remains exactly the same."

What I am saying is that the things that we have firmed up in private can be firmed up officially also in private if they have the same flexibility of negotiating that we have, and apparently you don't get the thing untrapped in public by informally and unofficially untracking it in private.

I say that really the things that we have done should be followed along by official administration people, and I think if that occurred, I think you would find it at a degree of consistency.

Mr. GALLAGHER, I certainly agree with your approach, I do know some of the things that happened at these meetings, because I have seen some of the transcripts. It is inconceivable to me that two administrations who have been now sitting with them in Paris, represented by some of our most able men, fully authorized, possessing all credentials, that they have not tried every possible avenue of approach. I think in doing that they never seem to get the kind of meaningful answers that our unofficial people get such as yourself and my distinguished colleague, Mr. Wolff.

Could that indicate that they may be talking out of both sides of their mouth?

Mr. LEGGETT. I think it is like an insurance adjuster. You can talk to these guys and they may be willing to settle, but they will never really admit that you have a fractured leg because they just don't have that kind of—they don't want to admit a single thing against the interest of the company. I tend to think that these negotiators are exactly the same way that—what they are doing, they are letting us know where they are prepared to really negotiate, but then when you try to relax them in public, they are not prepared to relax until you are prepared to make a total deal.

Mr. GALLAGHER. It is not a question of public talks. We are talking about private talks between people who have authority to say all troops would be out at a certain point upon authorization from the President, and that we could totally withdraw, that we could do all sorts of things. We have been telling them that for 2½ years. About the only thing we haven't told them is that we would drag the Saigon government home with us, which is rather the essence when you get down to trying to negotiate meaningfully.

Mr. LEGGETT. Of course, we are talking now about their inconsistency. Of course, I dwelled—

Mr. GALLAGHER. No one talks about their inconsistency, but about how we are totally inconsistent.

Mr. LEGGETT. I think both sides are inconsistent, and we have come a long way as a practical matter as to what we would settle for.

Our original idea was we are not going to get out of there until you stop infiltrating. We are not going to get out of there until you stop—take your troops all the way home. We have come a long way as far as what our basic standard is that we are willing to operate from.

I believe a lot of this flows from the election of President Nixon where they were really at a complete turnaround and determined that we are turning the war over to the Vietnamese, no matter what happens.

Mr. GALLAGHER. When the first meetings were agreed to, there was no possibility of discussing very much because at that point they wouldn't talk of anything except tables.

Mr. LEGGETT. I think now, really, very frankly, disregarding all of the prior reasons why they were unable to make an agreement, I believe that the Communists really now believe that we are going to get out. They denied for a long time we were going to get out. I do believe that now they are prepared and understand that.

I believe that the real problem right now is that we think time is on our side, and they think time is on their side, so not much happens. As a practical matter, I think it is to our mutual advantage that we work out an agreement at the present time with the maximum number of people in the country, that we have our maximum bargaining power, recognize what our base line is, and our base line is cease-fire, troops out before the deadline, get it in concrete, get our list of prisoners back out and assume no bombing and no shelling, and such as that.

If we are prepared to spell that out, I think they are prepared to negotiate along those lines.

Mr. GALLAGHER. I am sure the committee, without any kind of reassurance, would be quite prepared to vote out a resolution, but there is no motion whatever on any of these things we all hope will happen. Therefore, we are left with the point of why, if they are so flexible in private conversations, are they so intractable officially?

Mr. LEGGETT. I would respond to that again, and this might sound like it is argumentative, because we are intractable officially. Why don't we say officially, gentlemen, we are prepared to set a date. Will you agree to sit down with us in private talks and tell us what reasonable date we can agree upon and tell us what we can achieve if we will set a reasonable date. We have not set—

Mr. GALLAGHER. You don't believe we ever indicated that to them?

Mr. LEGGETT. We have not said that, and we have specifically not said that. That is exactly why I think we can't get off of dead center.

Mr. GALLAGHER. Having lived with this for some time, I find it difficult to conceive that the able people involved in these two administrations have not conveyed that idea to them. We were the ones who urged the meeting. We were the ones who demonstrated good faith by stopping the bombing, an action everybody felt would do



something. Yet at this point, all they keep doing is talking unofficially, and never talk officially.

Mr. LEGGETT. I generally get the idea from talking to our negotiators that they feel that they are limited in their discretion. They say, look, we don't make the decisions on this limitation. What limitation? The limitation that we can't bargain on a termination date for the war. They way they say that, I generally gather that it should be dissolved and I think if it were, as bright as these people are, I think they can work it out.

Mr. GALLAGHER. Obviously, the delegates there, the negotiators, know the President wants to end the war. That is why they give diplomats medals and ribbons and promotions. If they could in some way convey that message and get the message back——

Mr. LEGGETT. But unfortunately the President has to work through the Joint Chiefs of Staff. While it is obviously to the President's advantage, to the country's advantage, political advantage, to end the war, the military people whom he works through are totally insulated in that situation. They don't really have any particular target dates in mind.

Mr. GALLAGHER. I am really talking of the Department of State, our Diplomatic Corps, and the White House.

Mr. LEGGETT. These people can't act until they get ratification from the Joint Chiefs of Staff, believe me, and have never told the White House that about Easter of next year, the Saigon military force will be stable. Well, I say it doesn't take a four- or five-star general to extrapolate out about a year and figure out just about what the military situation might be. If you want to play it very, very close to the vest, as JCS has always done, then they are never going to tell the President until he virtually forces them into a decision, but the military situation as of this point is stable, and I think the tail must stop wagging the dog.

The President has to start giving leadership. If he would rely on his input and project out that his second condition, which bothers the heck out of the Communists, the stability of the Thieu-Ky government, if he would say they will be stable in 6 or 8 months, then we could set the date on the basis of that and start your negotiations, and I believe the war could be resolved to the maximum benefit as possible. But unless the President is prepared to do that, and prepared to make some rather tough decisions, the very conservative advisors that he has in the military side are just not going to take it on themselves to say it looks like Easter they will be stable, Mr. President, especially if around the horn is another Tet offensive that CIA has been developing information on. I tend to think that we just have to take the leadership. The President has to do that, and has to take it away from both the State Department and from the military departments, and tell the negotiators in Paris exactly what they want to hear, and I think we can get peace.

Mr. GALLAGHER. You said in your statement that it would be suicidal for us not to get things lined up before doing it.

Mr. LEGGETT. Exactly.

Mr. GALLAGHER. That seems to be the crux. How do we get things lined up?

Mr. LEGGETT. Pass proportional repatriation, or something similar. Legislate a date for withdrawal, contingent on recovery of the prisoners. The setting of that date is a magic thing that all kinds of benefits in negotiation can flow from, but until you get prisoner return in the bank, at least in private, I certainly wouldn't set that date.

Mr. GALLAGHER. That concerns this subcommittee. I appreciate your saying it.

Mr. du Pont?

Mr. DU PONT. Thank you.

Mr. Leggett, you have obviously done a great deal of work in this whole area, given it a lot of thought. I would like to use my time to try to get down to bedrock a little bit and see if we can get some hard answers to what I think are some of the hard questions.

I would, first of all, take issue with the statement you just made, that setting a date is magic. There is no magic in foreign relations. There is hard work. It just isn't going to happen by waving a magic wand.

Maybe we could start by clearing up a little confusion in my mind. You stated at the beginning of your testimony that you thought we made tremendous progress in reducing our troops by approximately half. You stated a little later on that with the election of President Nixon there had been a complete change in our policy. You stated a little further on in your testimony, and I quote, "that the Communists finally believe we will get out." But you don't appear to believe we will get out, because you authored this resolution.

What do the Communists see that you don't see?

Mr. LEGGETT. I tend to think we are going to get out. I would like us to get out as unmessy as possible, and in spite of, you know, a lot of times guys win football games, and they start losing them. Frankly, I would like to see the President as successful in this area as possible.

Very frankly, if he gets us out of Vietnam very neatly and cleanly, why, I think—and does it by election time next year, I think he earned some real supporters. But the problem is that I have seen too much—I talked to Dave Packard about not having control of maybe 10 percent of the brass that might cause some problems, and he will informally tell me that he didn't really have control of 90 percent of the brass that works for him.

This idea of civilian leadership over the brass is more a figment than an actuality. I do stand on all of those ambivalent statements. We had good success. The Communists do think we are going to get out. But we can get ourselves into a real mess unless we assert further management.

I tend to think, from kind of putting my hands on the shoulders of the negotiators that they want more latitude. I think if they had it, I think we could make some progress.

I agree with you, it may well be a date may not work magic. It may well be that we do that and then we will come on to something else. We have talked about the release of all prisoners of war on the setting of a date, and that includes ours and it includes theirs, and there might be a real problem in releasing theirs.

Do they want to go? Do you give the prisoners back to the Viet Cong? Do you give them back to the Viet Cong while that war is still going on? All kinds of things crop up.

Mr. DU PONT. It is a very difficult area and I don't mean to suggest that it is all a bed of roses. I must admit that the more you talk the more confused I get. I thought a moment ago you said if Mr. Nixon got all the troops out by election time that you would be satisfied and that is not my impression of your position here, but——

Mr. LEGGETT. As far as I am concerned, I would be satisfied for election day.

Mr. DU PONT. I don't want to get into semantics here. Let me ask you a specific question.

If we accepted the Mansfield resolution which you urged upon us a few moments ago, and if the North Vietnamese came back to us and said, we are sorry, no prisoners until you stop economic aid to South Vietnam, would you be willing to vote on the floor of the House for a resolution to stop withdrawing troops?

Mr. LEGGETT. I would have to think that over for a long time. You can envision all sorts of scenarios that would present rather difficult problems.

This war has divided the North and South, and Democrats and Republicans, has ruined our aero space business, ruined our Navy, torn this country, and laid the foundations for long-term problems. You know, if you want to get down to the real hard questions that I would have to decide confronting my conscience, I would suspect that a \$3 billion economy over there, with the small degree of liberty that they have, with only one kind of party running the thing and the very limited press and such as that, it is questionable whether or not that little \$3 billion country is worth destroying this trillion dollar country.

Mr. DU PONT. Doesn't this point up the problem? One of the dangers in my view of resolutions such as the Mansfield resolution is that they might make things worse, because if they are accepted and if there are conditions attached to them, we come to the awful day when one of those conditions isn't met, and as you yourself just said, you would have to search your conscience and think about it. I wonder that we wouldn't end up in a worse mess than simply pursuing a policy in which we continue to withdraw troops and one day they are gone.

Mr. LEGGETT. Well, I would hope that it is that simple, and certainly it is politically advantageous that it be that simple, but knowing the military infrastructure and the checks and balances that we have, I tend to think that unless we have it planned out and we know a little more about where we are going, it won't work.

Of course, like you say, rely on the leadership. We are in this mess now because we relied on leadership. Now we have to figure out: Should we assert ourselves or rely on leadership to get ourselves out? Obviously, the neat way to get out is rely on leadership.

Mr. DU PONT. We are halfway out relying on the leadership.

Mr. LEGGETT. Exactly.

Mr. DU PONT. Maybe we are not doing too badly.

Mr. LEGGETT. We are not doing too bad. We are a lot better off than when we were losing the great number of people we were.

Mr. DU PONT. Could I turn to the resolution you sponsored and which I had an opportunity to study?

It has some good points to it. The central question to it, if we adopted this resolution, reported it out of committee, and it passed the House, is in the last section of it, section 3. This section has a long list of



requirements imposed on the North Vietnamese: that they allow inspection in their camps to see how many prisoners are left; that they specifically send "all Chinese and Soviet military advisors out of the Democratic Republic of Vietnam" and allow certification that it has been accomplished.

Why do you feel any hope if they won't discuss any more than they have discussed to date, if they won't let the Red Cross come in, if they won't let Christmas presents come in, if they won't supply a list, why do you think they would ever conceivably agree to these conditions which admittedly would be very helpful?

Mr. LEGGETT. It is to our mutual advantage to do so, if by doing this they can get us out of there. I think they have plenty of benefits on that.

As a practical matter, I was a little bit amazed in talking with them to find out that they weren't asking, well, if you set a date to get out, how do we know you are really going to get out? The reason we developed the proportional repatriation program was we assumed that that would be the hard question to resolve. If you set a date to get out, how do you make sure you get the prisoners? We thought the proportional way made sense.

We had a lot of coauthors on that resolution. They tacked a lot of things on that weren't in the original concept. It went both ways. Originally, we had no disengagement date and the doves didn't like it. So, we put that date on it, and it has been substantially modified. The North Vietnamese can see some benefit in getting rid of these prisoners, but they are going to use them, whether you call it for ransom or bargaining or hostage, or however you want to call it. They are going to use them.

I tend to think that we ought to go ahead and bargain. There is a way to do it.

Mr. DU PONT. Your feeling is, then, that the setting of a date, while obviously important, is less important than that this date be publicly set. In other words, one alternative might be to have a date in an envelope here in the committee room and you and I would know for an actual fact that that was the end. But you feel that that wouldn't be good enough. That it has to be a public date or we won't make any progress with it.

Mr. LEGGETT. That little note in the committee room might be very consoling to the chairman of the committee and the leadership of the committee, but it is not going to do a prayer as far as getting the prisoners back, is it?

Mr. DU PONT. Well, now we are getting somewhere.

Mr. LEGGETT. We are going to have to bargain over prisoners prior to the time you get out, right?

Mr. DU PONT. Are you suggesting that—

Mr. LEGGETT. I don't mean to ask you questions.

Mr. DU PONT. Are you suggesting that the residual force concept is an important one that we cling to?

Mr. LEGGETT. What I am saying is that the President has said that we are not going to get out until we get the prisoners back. That means that as long as he is President or anybody is President, I am for that. I don't think we ought to get out until we get the prisoners back. But

at the same time, we must realize we aren't going to get the prisoners unless we get out.

Mr. DU PONT. Mr. Leggett, I am going to quit while I guess I am ahead. I thought that your position was that you were in favor of a fixed date and setting it by resolution, but the more we talk—the more your position seems foggy to me.

Mr. LEGGETT. Well, it is complicated, and it is a complicated subject. I am sorry I confuse you.

Mr. DU PONT. Let me say I appreciate all the work that you have put in, and you have obviously thought through it very carefully, and I will continue to give your thoughts our thought as we debate on these various resolutions.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Wolff?

Mr. WOLFF. Thank you, Mr. Chairman.

First of all, I would like to compliment our colleague who has appeared before us here today on the initiatives he has taken over a long period.

I would also like to clear up a couple of misconceptions that seem to be developing during these hearings. That is the fact that we are trying to do an awful lot of thinking for the Communists. I don't think anybody can do the thinking for them. It is time we thought for ourselves. What is in the best interests of this Nation? That is what should precondition our actions.

I think it is well that we ought to give some consideration to the fact: Is the glass half empty or half full? Have we gotten half out of Vietnam or half in? That is one of the basic considerations involved.

I think also we ought to consider the intent of our policy. I, for one, don't believe that it is the basic intent of the present administration to get out of Vietnam. I think however the present indications seem to evidence the fact that we are prepared to stay in Vietnam for some time to come. What that some time is, nobody knows. But the mere fact that we will condone the idea of permitting elections to go through as they are forecast with the possibility of one candidate being the only choice that remains for the people of South Vietnam is indicative to me that what we seek to do is to perpetuate a regime rather than attempting to provide a climate for the free exercise of the will of the people of South Vietnam.

I think it is very important that we do provide the climate for free elections, and the exercise of the will of the people of South Vietnam. That is the reason for any commitment in the first place.

I would like to answer also some of the statements made by our colleague about his talks with the North Vietnamese. I had some talks as Congressman Leggett has. I don't believe the North Vietnamese. But I must say that after speaking to them, they have indicated that there have been no substantive talks for at least a year and a half now.

As a result, I think that there has been really no progress made in Paris other than the unilateral propaganda by both sides.

I think another point must be cleared up—on the cessation of the bombing of North Vietnam. We stopped the bombing because it was ineffectual as has been revealed in a number of military papers. It was not worth the cost and we could gain bargaining points to stop the bombing.

Now, one aspect of this entire situation that has been revealed by a colonel, one of the most decorated officers in Vietnam, who stated recently that the major problem that has developed is the fact that we have tried to fight a guerrilla war with conventional means, and we are still doing that. It seems that that policy can never either win or get us out of Vietnam.

I would like to ask the gentleman one basic question. You are a member of the Armed Services Committee? As such, you are responsible for the basic authorizations for funds for Vietnam. What has been given to the Armed Services Committee as to the explanation of Vietnamization, how long will Vietnamization take, and how much do we expect to spend on this process?

Mr. LEGGETT. We have been given no estimates of money and no estimates of time.

Mr. WOLFF. Do you happen to know how much there is in the way of transfers of equipment in addition to appropriated funds for the South Vietnamese?

Mr. LEGGETT. Well, you have been in Vietnam, as I have. We have massive permanent structures, buildings, equipment, et cetera, and massive amounts of that are just more expensive to move than they are to leave right there. I am sure all of that has been turned over.

Mr. WOLFF. Has not the Committee of the Armed Services been informed as to the amounts involved that we are transferring as we are moving our troops out and turning over to the South Vietnamese, the ARVN? Have you not been informed as to the amount of equipment that is being turned over to them?

Mr. LEGGETT. I am sure we have it in generalities. I don't know whether we have it itemized.

Mr. WOLFF. I thank the gentleman.

I see that we have a call of the House.

Mr. GALLAGHER. Thank you very much, Mr. Leggett. I certainly want to compliment you as one of our distinguished colleagues who has done such energetic work in this important matter.

The subcommittee will stand recessed for 10 minutes so we can vote.  
(A short recess was taken.)

Mr. GALLAGHER. The subcommittee will come to order.

We now have the pleasure of hearing from Congressman John Anderson, Republican, of Illinois.

Mr. Anderson is chairman of the Republican conference in the House of Representatives and my fellow Democrats hold him also in very high regard.

I have had the opportunity to review your statement, and find that as usual you speak perceptively and persuasively, and directly to the concerns of this subcommittee.

I would be pleased if you would begin and we welcome you here this afternoon.

## STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. ANDERSON. In addition to speaking hopefully persuasively and succinctly, I am going to try to speak briefly and defer to my distinguished colleague from Florida, Mr. Pepper, who was kind enough to allow me to proceed.



I am most grateful for this opportunity to appear before you today to discuss the issue of the Indochina war, and more specifically, American policy and the role of the Congress.

I want to commend you on calling these most valuable hearings, not only to hear testimony on the many resolutions and bills pending before you, but to further educate the American public, and hopefully, to give this Congress the guidance it needs to redefine and reassert its legitimate role in the foreign policy process.

At the outset, let me say that the views I present here today are my own, and not those of the Republican conference of which I am chairman, nor of the administration.

Last week the House of Representatives rejected what had been billed by some as an "end to the war amendment." I cast my vote against that amendment because I felt it would only serve to mislead the American people and raise false hopes. For while the authors of that amendment took pains to point out that their amendment would not, in fact, do what it said it would do—that is, cut off funds for the further deployment of American forces in or over Indochina after December 31st of this year—the fact remains that to a large segment of the American public this was an end the war amendment that was supposed to do just that. My mail reflected that perception as I am sure much of yours did.

I think we all have to be especially mindful at this time of what Max Weber has called the "ethic of responsibility" which has to do with the consequences of our moral actions; for it is every bit as important as the other ethic mentioned by Weber—the "ethic of ultimate values and ends." I do not see how I, as a legislator, could discharge my ethic of responsibility by voting for an amendment wrapped only symbolically in the ethic of ultimate values and ends. It seems to me it would only be compounding the tragedy to mislead the American public on our disengagement from Vietnam after our experience of being misled into that tragic war in the first place.

I think brief mention should be made here of how we were misled into South Vietnam. I do not do so for the purpose of pointing the finger, but rather for the purpose of pointing the way—the way out, and the way to conduct ourselves in the future with respect to our foreign commitments.

As I mentioned during the debate on Nedzi-Whalen last week, I think part of the tragedy of Vietnam was the manner in which, by calculated deception and deliberate withholding of information in a prior administration, Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility of our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionally warranted nor wise.

I think there is widespread consensus among hawks and doves alike in the Congress that the legislative branch must play a larger role in decisions of war and peace, in accordance with the powers delegated to us by the Constitution. Last summer I was privileged to testify before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments on the war powers of the President and Congress. And without specifically endorsing any of the pending war

powers bills, I made several suggestions for strengthening the hand of Congress in this area.

While I realize that this subcommittee does not have jurisdiction in this area, your full committee does, and I think it does have at least an indirect bearing on the subject you are considering today—the Indochina war.

First, there should be prior consultation between the Congress and the Executive in all situations involving the deployment or possible deployment of American military forces. This does not necessarily mean the entire Congress would have to be consulted in all situations. Obviously, for the purposes of secrecy and expedition in a crisis, this may have to be confined to the key congressional leaders. By consultation, I mean to imply more than just presenting these leaders with a fait accompli; there should be some opportunity for prior congressional input in the decision itself, as limited as this might be in a crisis or emergency situation.

Second, once the President has committed American forces on an emergency basis, he should be required to deliver a full and formal report to the Congress conveying all the essential facts and rationale for his actions. This should be submitted within a specified period of time. Congress should be fully informed in such situations so that it can proceed to make intelligent and responsible judgments and decisions based on all the facts.

Third, if the Executive deployment of forces in a crisis situation threatens to balloon into a major national commitment, the Congress must have the decisive role in making the extended commitment. I suggested as a working rule of thumb that if, 30 days after the deployment of these forces they have not been withdrawn, then it should be assumed *prima facie* that a major commitment is in the making, and Congress should then step in to make a clear determination of the policy course to be pursued.

Finally, if the Congress does decide to extend the commitment, its authorization should be very precise and circumspect, and not of the open-ended, blank check Tonkin Gulf variety.

I think it is especially important that the President have a wide range of options and flexibility with which to respond in a crisis situation. Our new posture of relative nuclear parity coupled with the Nixon doctrine of low profile and regional self-sufficiency is bound to be tested by the two Communist powers to determine whether these new doctrines will give them an additional margin for expansionist activities.

It would therefore be a grave mistake, in my opinion, to limit the options of the Commander in Chief during this delicate transition period when our initial response to provocative probes is of critical importance. I think we can retain this necessary element of flexibility for the Executive while at the same time ensuring a larger role for the Congress through prior consultation, full information, and final determination with regard to sustained commitments.

It is my hope that the committee will report out a responsible war powers resolution which incorporates guidelines and requirements similar to those I have suggested.

Let me move to a matter of more immediate and direct concern to this subcommittee, the subject of this war, our current policy with respect

to that war, and what initiatives this Congress might take to influence that policy. I know this subcommittee has a large number of bills and resolutions pending before it on this subject, and I have today introduced my own concurrent resolution for your consideration.

I strongly feel that what is needed at this time is a clear congressional declaration of national policy in Indochina to fill the vacuum left by the repeal of the Gulf of Tonkin resolution. And the proper vehicle for this, it seems to me, is a sense of Congress resolution as opposed to a meaningless funds limitation rider like Nedzi-Whalen or an actual funds cutoff amendment that would tie the hands of the Commander in Chief.

When I suggested such a sense-of-Congress resolution during the debate on Nedzi-Whalen last week, one of my good friends and colleagues got up on the House floor and mildly rebuked me by saying, and I quote:

I have had one of those "sense of Congress" resolutions about ending the war, one which I introduced last year and another which I introduced this year. And all they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.

I think his point is well-taken. Such resolutions are meaningless so long as they go nowhere. So, it is my earnest hope that this subcommittee will not only provide a valuable forum for discussing our policy and the various resolutions, but that it will report out a meaningful measure and give the full House an opportunity to officially offer its policy guidance on Indochina.

Some say that even if a sense of Congress resolution is reported and passed by both Houses, it will be virtually meaningless. I cannot agree with that view. Granted, such a resolution would not have the force of law or in any way bind the President. At the same time, it must be conceded that a forceful and substantive congressional declaration of policy would have a profound influence on the Executive, to be ignored at his own peril.

I would now like to discuss the specific provisions of the resolution which I introduced today, a copy of which is appended to this testimony. (See p. 129.)

The "resolved" sections are prefaced by three "whereas" clauses which recognize the President's policy to bring an end to the war through the withdrawal of our troops, through a reduction in the level of hostilities, and through negotiations. It further recognizes that he has already withdrawn over half our troops since taking office and will have withdrawn over two-thirds by this December 1. Finally, it recognizes that the President has stated our goal to be "a total American withdrawal from Vietnam."

At the heart of my resolution are three congressional declarations of national policy on Indochina.

First:

That it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such troops at the earliest practicable date.

Second, that it is the national policy:

To accelerate and complete such withdrawal by a date certain.



Provided there is a negotiated agreement to release and repatriate all American prisoners of war being held in Indochina 60 days prior to that date certain, and to guarantee the safe and orderly withdrawal of our remaining forces from South Vietnam.

And third, that it is the national policy :

To provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July, 1969, and to arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

Let me make several points about this resolution and how it relates to our present policy, and then answer any questions you might have.

First, I think it is important that this Congress affirm that our primary goal in Vietnam should be to get out of Vietnam as soon as practicable, and to bring our prisoners of war home with us. I do not think this represents any radical departure from goals enunciated by the President on numerous occasions.

In his press conference of March 4, 1971, the President said, and I quote :

As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can by negotiation if possible and through our withdrawal program and Vietnamization program if necessary.

Again, April 7, 1971, he said :

Our goal is a total American withdrawal from Vietnam. We can and will reach that goal through our program of Vietnamization if necessary. But we would infinitely prefer to reach it even sooner—through negotiations.

Now, in the past, our negotiating position has centered on the possibility of an all-Indochina settlement. In his report of October 7, 1970, the President outlined a five-point peace initiative to include an Indochina cease-fire, an all-Indochina peace conference, a mutual withdrawal of all outside forces from South Vietnam on a 12-month timetable, a release of all POW's in Indochina, and a political settlement in South Vietnam.

While we have not completely abandoned hope, I think it has become increasingly apparent that the chance for such a comprehensive settlement has grown more remote with the passage of time.

In his press conference of February 17, 1971, the President expressed disappointment that no progress had been made at the Paris peace table, but added, and I quote :

We will continue to pursue the diplomacy for a primary reason, the primary reason being to negotiate some settlement of the POW issue. As we have to realize as far as a negotiation affecting a political settlement for South Vietnam is concerned, time is running out for the North Vietnamese if they expect to negotiate with the United States. Because as our forces come out of South Vietnam, it means that the responsibility for the negotiation, increasingly, then becomes that of South Vietnam.

Again, on April 16, 1971, the President said :

We haven't given up on the Paris talks. I would suggest that the moment of truth is arriving with regard to the Paris talks because time will soon run out. As the number of our forces goes down, our stroke at the negotiating table recedes and the South Vietnamese's greatly increases. So, if they want to negotiate with the United States, the time for negotiation, except for the prisoner of war issue, of course, is rapidly drawing to a close.

I will skip the next references I make to statements on this point by the President, because I think to some extent they are repetitive, and I would ask leave that my entire statement appear in the record.

Mr. GALLAGHER. Without objection, so ordered.

(The statement referred to follows:)

STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF ILLINOIS

Mr. Chairman and members of the subcommittee, I am most grateful for this opportunity to appear before you today to discuss the issue of the Indochina War, and more specifically, American policy and the role of the Congress. I want to commend you on calling these most valuable hearings, not only to hear testimony on the many resolutions and bills pending before you, but to further educate the American public, and hopefully, to give this Congress the guidance it needs to redefine and reassert its legitimate role in the foreign policy process. At the outset, let me say that the views I present here today are my own, and not those of the Republican Conference of which I am chairman, nor of the Administration.

Last week the House of Representatives rejected what had been billed by some as an "end the war amendment." I cast my vote against that amendment because I felt it would only serve to mislead the American people and raise false hopes. For while the authors of that amendment took pains to point out that their amendment would not in fact do what it said it would do—that is, cut off funds for the further deployment of American forces in or over Indochina after December 31st of this year—the fact remains that to a large segment of the American public this was an end the war amendment that was supposed to do just that. My mail reflected that perception as I'm sure much of yours did.

I think we all have to be especially mindful at this time of what Max Weber has called the "ethic of responsibility" which has to do with the *consequences* of our moral actions; for it is every bit as important as the other ethic mentioned by Weber—the "ethic of ultimate values and ends." I do not see how I as a legislator could discharge my ethic of responsibility by voting for an amendment wrapped only symbolically in the ethic of ultimate values and ends. It seems to me it would only be compounding the tragedy to mislead the American public on our disengagement from Vietnam after our experience of being misled into that tragic war in the first place.

And without becoming embroiled in a discussion of the historical roots of our involvement, I think brief mention should be made here of how we were misled into South Vietnam. I do not do so for the purpose of pointing the finger, but rather for the purpose of pointing the way—the way out, and the way to conduct ourselves in the future with respect to our foreign commitments.

As I mentioned during the debate on Nedzi-Whalen last week, I think part of the tragedy of Vietnam was the manner in which, by calculated deception and deliberate withholding of information in a prior administration, Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility of our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionality warranted nor wise.

I think there is widespread consensus among hawks and doves alike in the Congress that the legislative branch must play a larger role in decisions of war and peace, in accordance with the powers delegated to us by the Constitution. Last summer I was privileged to testify before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments on the war powers of the President and Congress. And without specifically endorsing any of the pending war powers bills, I made several suggestions for strengthening the hand of Congress in this area. While I realize that this subcommittee does not have jurisdiction in this area, your full committee does, and I think it does have at least an indirect bearing on the subject you are considering today—the Indochina War.

First, there should be prior consultation between the Congress and the Executive in all situations involving the deployment or possible deployment of American military forces. By this I do not necessarily mean the entire Congress would have to be consulted in all situations. Obviously, for the purposes of

secrecy and expedition in a crisis, this may have to be confined to the key Congressional leaders. And by consultation, I mean to imply more than just presenting these leaders with a *fait accompli*; there should be some opportunity for prior Congressional input in the decision itself, as limited as this might be in a crisis or emergency situation.

Secondly, once the President has committed American forces on an emergency basis, it should be required that he deliver a full and formal report to the Congress conveying all the essential facts and rationale for his actions. This report should be submitted within a specified period of time. I cannot overemphasize the need for Congress to be *fully* informed in such situations so that it can proceed to make intelligent and responsible judgments and decisions based on *all* the facts. Recent evidence which has come to light seems to indicate that we have not been so apprised in the past, and this has certainly impaired our ability to act in an informed and prudent manner.

Third, if the Executive deployment of forces in a crisis situation threatens to balloon into a major national commitment, the Congress must have the decisive role in making the extended commitment. I have suggested as a working rule of thumb that if, 30 days after the deployment of these forces they have not been withdrawn, then it should be assumed that a major commitment is in the making, and the Congress should then step in to make a clear determination of the policy course to be pursued—that is, whether to extend or terminate that commitment.

Finally, if the Congress does decide to extend that commitment by joint resolution or other means, its authorization should be very precise and circumspect, and not of the open-ended, blank-check Tonkin Gulf variety.

To quote from my concluding statement to the subcommittee last year—

“Our primary concern . . . must be to insure that Congress plays a decisive role in any future decision to undertake major commitments of American armed forces abroad; in the process, however, we must be careful not to circumscribe the President’s capacity to respond in crisis situations.”

I think it is especially important that the President have a wide range of options and flexibility with which to respond in a crisis situation. Our new posture of relative nuclear parity coupled with the Nixon Doctrine of low profile and regional self-sufficiency is bound to be tested by the two major Communist powers to determine whether these new doctrines will give them an additional margin for expansionist activities. It would therefore be a grave mistake, in my opinion, to limit these options of the Commander-in-Chief during this delicate transition period when our initial response to provocative probes is of critical importance. I think we can retain this necessary element of flexibility for the Executive while at the same time insuring a larger role for the Congress through prior consultation, full information, and final determination with regard to sustained commitments.

So let me say in concluding this portion of my testimony that it is my hope that the House Foreign Affairs Committee will report out a responsible war powers resolution which incorporates guidelines and requirements similar to those I have suggested.

I want to move on now to a matter of more immediate and direct concern to this subcommittee, and that is the subject of the Indochina War at this point in time, our current policy with respect to that war, and what initiatives this Congress might take to influence that policy. I know this subcommittee has a large number of bills and resolutions pending before it on this subject, and I have today introduced my own concurrent resolution for your consideration. I strongly feel that what is needed at this time is a clear Congressional declaration of national policy on Indochina to fill the vacuum left by the repeal of the Gulf of Tonkin resolution.

The proper vehicle for this, it seems to me, is a sense of Congress resolution as opposed to a meaningless funds limitation rider like Nedzi-Whalen or an actual funds cut-off amendment that would tie the hands of the Commander-in-Chief.

When I suggested such a sense of Congress resolution during the debate on Nedzi-Whalen last week, one of my good friends and colleagues got up on the House floor and mildly rebuked me by saying, and I quote:

“I have had one of those ‘sense of Congress’ resolutions about ending the war, one which I introduced last year and another which I introduced this year. And all they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.”



I think his point is well-taken. Such resolutions are meaningless so long as they go nowhere. So it is my earnest hope that this subcommittee will not only provide a valuable forum for discussing our policy and the various resolutions, but that it will report out of a meaningful measure and give the full House an opportunity to officially offer its policy guidance on Indochina.

I know there are some who will still say that even if a sense of Congress resolution is reported and passed by both Houses, it will be virtually meaningless. I cannot agree with that view. Granted, such a resolution would not have the force of law or in any way bind the President. But at the same time, it must be conceded that a forceful and substantive Congressional declaration of policy would have a profound influence on the Executive, to be ignored at its own peril.

I would now like to discuss the specific provisions of the resolution which I introduced today, a copy of which is appended to this testimony. The "resolved" sections are prefaced by three "whereas" clauses which recognize the President's policy to bring an end to the war through the withdrawal of our troops, through a reduction in the level of hostilities, and through negotiations. It further recognizes that he has already withdrawn over half our troops since taking office and will have withdrawn over two-thirds by this December 1st. And it finally recognizes that the President has stated our goal to be "a total American withdrawal from Vietnam."

At the heart of my resolution are three Congressional declarations of national policy on Indochina. First, "that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such troops at the earliest practicable date."

Second, that it is the national policy "to accelerate and complete such withdrawal by a date certain," provided there is a negotiated agreement to release and repatriate all American prisoners of war being held in Indochina 60 days prior to that date certain, and to guarantee the safe and orderly withdrawal of our remaining forces from South Vietnam.

And third, that it is the national policy "to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July 1969," and to "arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American Armed Forces."

I want to make several points about this resolution and how it relates to our present policy, and then I will be happy to answer any questions you might have. First, I think it is important that this Congress affirm that our primary goal in Vietnam should be to get out of Vietnam as soon as practicable, and to bring our prisoners of war home with us. I do not think this represents any radical departure from the goals enunciated by the President on numerous occasions. In his press conference of March 4, 1971, the President said, and I quote:

"As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can by negotiation if possible and through our withdrawal program and Vietnamization program if necessary."

Again, in his Vietnam report of April 7, 1971, the President said:

"Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary. But we would infinitely prefer to reach it even sooner—through negotiations."

Now, in the past, our negotiating position has centered on the possibility of an all-Indochina settlement. In his report of October 7, 1970, the President outlined a five-point peace initiative to include an Indochina cease-fire, an all-Indochina peace conference, a mutual withdrawal of all outside forces from South Vietnam on a 12-month timetable, a release of all prisoners of war being held in Indochina, and a political settlement in South Vietnam.

While we have not completely abandoned hope, I think it has become increasingly apparent that the chance for such a comprehensive settlement has grown more remote with the passage of time. In his press conference of February 17, 1971, the President expressed disappointment that no progress had been made at the Paris peace table, but added, and I quote:

"We will continue to pursue the diplomacy for a primary reason, the primary reason being to negotiate some settlement of the POW issue. As we have to realize as far as a negotiation affecting a political settlement for South Vietnam is concerned, time is running out for the North Vietnamese if they expect to negotiate with the United States. Because as our forces come out of South Vietnam,

it means that the responsibility for the negotiation, increasingly, then becomes that of South Vietnam."

Again, in his question-answer session with the American Society of Newspaper Editors on April 16, 1971, the President said:

"We haven't given up on the Paris talks. I would suggest that the moment of truth is arriving with regard to the Paris talks because time will soon run out. As the number of our forces goes down, our stroke at the negotiating table recedes and the South Vietnamese's greatly increases. So, if they want to negotiate with the United States, the time for negotiation, except for the prisoner of war issue, of course, is rapidly drawing to a close."

In his press conference of April 29, 1971, the President rejected setting a deadline or date certain for the total withdrawal of our forces, saying the North Vietnamese have only promised to "discuss" the POW question if we did so. In his words:

"We need action on their part and a commitment on their part with regard to the prisoners. Consequently, as far as any action on our part of ending American involvement is concerned—and that means a total withdrawal—that will have to be delayed until we get not just the promise to discuss the release of our prisoners, but a commitment to release our prisoners, because a discussion promise means nothing where the North Vietnamese are concerned."

And finally, in his press conference of June 1, 1971, the President was asked the question: "What is there to lose by setting a date contingent upon release of all prisoners?" The President responded:

"According to Ambassador Bruce, the position taken by the North Vietnamese has been, 'If we end our involvement in Vietnam and set a date, they will agree to discuss prisoners, not release them.' Now, as far as we're concerned, we at this time are not going to make any kind of agreement with regard to prisoners that is not going to be followed by action or concurrent action; and from the standpoint of the North Vietnamese, we have yet no indication whatever that they would be willing to release prisoners in the event we took certain steps."

I have drawn upon these Presidential statements because I think they do point to an evolving American policy vis-a-vis the negotiations and conditions for the total withdrawal of American forces. As our force levels decrease, our bargaining "stroke" at Paris is reduced so far as an Indochina settlement is concerned, and eventually, the only point to be negotiated between us and the North Vietnamese will be the prisoner of war issue and the date of our final withdrawal. I do not mean to imply here that the President has taken the position that the only condition for our final withdrawal is the release of our prisoners, though there are indications from the statements I have quoted that we are moving in that direction. The fact is that the President has stated another condition for the final withdrawal of American forces, and that is "the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover," in other words, the completion of the Vietnamization program.

My resolution, on the other hand, goes back to the President's statement on April 7th of this year to the effect that our goal is a total withdrawal through the Vietnamization program if necessary, "but we would infinitely prefer to reach it even sooner—through negotiations;" and the President's statement on April 26th of this year to the effect that as our force levels diminish, the only point left to be negotiated between us and Hanoi is the prisoner of war question. Under the policy suggested by my resolution, we would express to the North Vietnamese our willingness to accelerate our withdrawals and complete them by a date certain if they in turn agree to release all American prisoners being held in Indochina 60 days prior to that date, and guarantee the safe and orderly withdrawal of our remaining forces.

My resolution does not specify a date, leaving this a matter to be negotiated concurrently with the prisoner of war question. But obviously, it would have to be within a reasonable time frame to have any appeal at the bargaining table. It seems to me that the value of this approach is that rather than having each side waiting for the other to make a move on either the matter of setting a date or the matter of releasing prisoners, both would have to agree to discuss these simultaneously, and the resolution of one would be contingent upon the other.

While suggesting a specific date in such a resolution is appealing from a political standpoint, or from the standpoint of reassuring the American public, I think from a practical negotiating standpoint this is something best left to be worked out in the secret sessions at Paris and not publicly announced until an agreement has been reached.

To get back to the question of what effect an accelerated withdrawal and date certain for its completion would have on the Vietnamization program, let me say that while an earlier withdrawal date would reduce the amount of final preparation we could give the South Vietnamese to defend themselves, it would not be fair to suggest that we haven't already given them a reasonable capability for survival. You will recall that on April 7th of this year, shortly after the Laotian operations, the President announced that, "Vietnamization has succeeded."

A report released by the Department of Defense last week points out that ground combat responsibility will be completely turned over to the South Vietnamese by this summer, thus completing phase one of the Vietnamization program; and phase two—developing South Vietnamese air, naval, artillery, logistics and other support capabilities—has been proceeding concurrently with phase one, though it will take a little longer.

Over the last year, according to the DOD report, American air sorties have decreased 46% while South Vietnamese attack sorties have increased 65%. The pacification program has likewise been proceeding with marked success. Regional Forces have increased 48% since June of 1968 and have thus relieved the ARVN for combat duties, while Popular Forces have increased 51% since June of 1969, and over 95% of the Popular Force platoons are now fully trained and equipped with modern radios and armed with M-16 rifles.

And so, Mr. Chairman, I hardly think an accelerated withdrawal, contingent upon the prior release of our prisoners, could in any way be considered precipitous in terms of the Vietnamization program since the South Vietnamese have developed an impressive capacity to shoulder the burden themselves, all the way down to the hamlet level.

Finally, Mr. Chairman, I want to briefly address myself to Section 3 of my resolution which states as a further matter of national policy our intention to provide continued military and economic assistance to the nations of Indochina, in amounts approved by Congress, and consistent with the objectives of the Guam Doctrine; and to arrange asylum for those who might be endangered by our withdrawal.

As the members of this subcommittee are well aware, the United States cannot legally or morally turn its back on Southeast Asia after the last troop has been withdrawn from South Vietnam. We will continue to be a Pacific power and we will continue to have certain obligations and responsibilities to the people of that part of the world. In July of 1969, the President issued the Guam Doctrine which said in effect that the United States will honor its treaty commitments, extend its shield to any nation allied with us which is threatened by a nuclear power, and, in cases involving other types of aggression, we will furnish military and economic assistance but look to the nation directly threatened to assume the primary responsibility of providing manpower for its defense. I think the Congress should officially endorse this policy of encouraging self-sufficiency on the part of our allies, and at the same time help formulate specific programs for its implementation.

In summary, Mr. Chairman, I am interested in seeing that the Congress re-assumes its Constitutional role in matters of war and peace. I think we can and should play a role in extricating the United States from Vietnam and in preventing future Vietnam-type involvements. If this is to happen it must begin right here in this committee. I commend this committee on its war powers hearings and its Indochina hearings, and I urge you to follow through in such a way that the full House will have an opportunity to express itself on these issues of crucial importance to our country and our Constitutional form of government.

---

[H. Con. Res. 347, 92d Cong., first sess.]

June 24, 1971.

Mr. Anderson of Illinois submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs.

Whereas, the President of the United States is pursuing a policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American Armed Forces from that country, through a reduction in the level of hostilities, and through negotiations; and

Whereas, the President has withdrawn over half of the American Armed Forces from Vietnam since taking office, and has further announced that two-thirds of all such forces will have been withdrawn by December 1, 1971; and



Whereas, the President has announced that, "Our goal is a total American withdrawal from Vietnam"; Now, therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress hereby declares that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such forces at the earliest practicable date.

*Sec. 2.* It is the national policy to accelerate and complete such withdrawal by a date certain provided that there is a negotiated agreement to: (a) release and repatriate all American prisoners of war being held in Indochina by a date 60 days prior to such date certain, under the supervision of the International Red Cross or other such organization; and (b) guarantee the safe and orderly withdrawal of all remaining American Armed Forces from South Vietnam by such date certain.

*Sec. 3.* It is the national policy to: (a) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July 1969; and (b) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

MR. ANDERSON. I have drawn upon these Presidential statements because I think they do point to an evolving American policy vis-à-vis the negotiations and conditions for the total withdrawal of American forces.

As our force levels decrease, our bargaining "stroke" at Paris is reduced so far as an Indochina settlement is concerned, and eventually, the only point to be negotiated between us and the North Vietnamese will be the prisoner of war issue and the date of our final withdrawal. I do not mean to imply here that the President has taken the position that the only condition for our final withdrawal is the release of our prisoners, though there are indications from the statements I have quoted that we are moving in that direction.

The fact is that the President has stated another condition for the final withdrawal of American forces, and that is "the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover," in other words, the completion of the Vietnamization program.

My resolution, on the other hand, goes back to the President's statement on April 7 of this year to the effect that our goal is a total withdrawal through the Vietnamization program if necessary, "but we would infinitely prefer to reach it even sooner—through negotiations;" and the President's statement on April 26 of this year to the effect that as our force levels diminish, the only point left to be negotiated between us and Hanoi is the prisoner-of-war question. Under the policy suggested by my resolution, we would express to the North Vietnamese our willingness to accelerate our withdrawals and complete them by a date certain if they in turn agree to release all American prisoners being held in Indochina 60 days prior to that date, and guarantee the safe and orderly withdrawal of our remaining forces.

My resolution does not specify a date, leaving this a matter to be negotiated concurrently with the prisoner-of-war question. But obviously, it would have to be within a reasonable time frame to have any appeal at the bargaining table. It seems to me that the value of this approach is that rather than having each side waiting for the other to make a move on either the matter of setting a date or the matter of releasing prisoners, both would have to agree to discuss these issues simultaneously, and the resolution of one would be contingent upon the other.

While suggesting a specific date in such a resolution is appealing from a political standpoint, or from the standpoint of reassuring the American public, I think from a practical negotiating standpoint, this is something best left to be worked out in the secret sessions at Paris, and not publicly announced until an agreement has been reached.

A report released by the Department of Defense last week points out that ground combat responsibility will be completely turned over to the South Vietnamese by this summer, thus completing phase one of the Vietnamization program; and phase two—developing South Vietnamese air, naval, artillery, logistics, and other support capabilities—has been proceeding concurrently with phase one, though it will take a little longer.

Over the last year, according to the DOD report, American air sorties have decreased 46 percent, while South Vietnamese attack sorties have increased 65 percent. The pacification program has likewise been proceeding with marked success. Regional forces have increased 48 percent since June of 1968, and have thus relieved the ARVN for combat duties, while Popular Forces have increased 51 percent since June of 1969, and over 95 percent of the Popular Force platoons are now fully trained and equipped with modern radios and armed with M-16 rifles.

And so, Mr. Chairman, I hardly think an accelerated withdrawal, contingent upon the prior release of our prisoners, could in any way be considered precipitous in terms of the Vietnamization program since the South Vietnamese have developed an impressive capacity to shoulder the burden themselves, all the way down to the hamlet level.

Finally, Mr. Chairman, I want to briefly address myself to section 3 of my resolution which states as a further matter of national policy our intention to provide continued military and economic assistance to the nations of Indochina, in amounts approved by Congress, and consistent with the objectives of the Guam doctrine; and to arrange asylum for those who might be endangered by our withdrawal.

As the members of this subcommittee are well aware, the United States cannot legally or morally turn its back on Southeast Asia after the last troop has been withdrawn from South Vietnam. We will continue to be a Pacific power, and we will continue to have certain obligations and responsibilities to the people of that part of the world.

In July of 1969, the President issued the Guam doctrine which said, in effect, that the United States will honor its treaty commitments, extend its shield to any nation allied with us which is threatened by a nuclear power, and, in cases involving other types of aggression, we will furnish military and economic assistance but look to the nation directly threatened to assume the primary responsibility of providing manpower for its defense.

I think the Congress should officially endorse this policy of encouraging self-sufficiency on the part of our allies, and at the same time help formulate specific programs for its implementation.

In summary, Mr. Chairman, I am interested in seeing that the Congress reassumes its constitutional role in matters of war and peace. I think we can and should play a role in extricating the United States from Vietnam, and in preventing future Vietnam-type involvements. If this is to happen, it must begin right here in this committee.

I commend this committee on its war powers hearings and its Indochina hearings, and I urge you to follow through in such a way that

the full House will have an opportunity to express itself on these issues of crucial importance to our country and our constitutional form of government.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you, Mr. Anderson, for an extremely well reasoned statement, and for giving us the benefit of your thinking and injecting several ideas that the White House may not as yet have under consideration in this very crucial area.

We have several questions I would like to ask you to respond to, but I know you are in a hurry, so I will refrain from asking them at this time.

Mr. Whalley?

Mr. WHALLEY. Thank you, Mr. Chairman.

Congressman Anderson, I want to compliment you on the time and energy that you must have put into this very meaningful and complete statement. I have looked for some things I thought perhaps might have been missed, but you seem to have thought of almost everything. I, like the chairman, think you have done a tremendous job.

I want to compliment the chairman, also, for having these meetings, because I am sure that we are going to get some ideas that none of us have thought about before, and I hope we are going to be able to prepare something that will really help us to get out of Vietnam as most of us want to do.

Thank you very much.

Mr. GALLAGHER. Mr. du Pont?

Mr. DU PONT. Thank you, Mr. Chairman.

I hate to be the only one to ask a question, but on the other hand, you have done such a fine job as usual in presenting your testimony that I am tempted to ask just one or two.

First, let me heartily concur in two comments you have made.

First of all, that congressional involvement in the field of execution of foreign policy is very important, and long neglected.

Secondly, that with the repeal of the Gulf of Tonkin resolution, a congressional statement of policy in this area is appropriate and also of critical importance.

One of the phrases in the Nedzi-Whalen amendment that disturbs me greatly was a phrase that you have also used in section 3 of your resolution, and I wonder if it would be acceptable to you if we simply struck it. That is in the fourth line thereof, when it says, "B. Arrange asylum or other means of protection for the South Vietnamese."

In Nedzi-Whalen I took that to mean fortified hamlets, increasing U.S. participation in certain areas of the war. I agree very much in providing asylum, but I am a little mystified as to what "other means" might be meant, and also a little nervous that it might indicate some room for expansion of the war.

Mr. ANDERSON. I think it is important in the legislative history of this resolution to make it quite clear what the author intended—I certainly didn't intend by that expression or by those words to carry with it any interpretation that we are advocating a policy of fortified hamlets or of—I forget the term used long ago—coastal readouts or something of that kind, involving the military protection in South Vietnam of those who might be out of favor with whatever government was in power.



I think what we had in mind was that either that asylum be provided by the United States or that some arrangements be made perhaps for their transportation to a third country where they could live in safety and without fear of reprisal. But I am grateful to the gentleman for allowing me this opportunity to clarify the language and to assure him and the committee that I would not wish to have that interpreted as meaning that other means of protection implies military involvement in any way in South Vietnam by the United States.

Mr. DU PONT. Thank you. I think that clarification does help considerably.

My second and final question, Mr. Anderson: The preceding witness, Congressman Leggett, said he believed one of the chief problems with our negotiations in Paris was that the U.S. delegation was not free to discuss setting of a fixed withdrawal date. As I read section 2 of your resolution, that problem would be removed and this would explicitly permit our negotiators to go to work with the North Vietnamese to determine a date acceptable to both parties.

Mr. ANDERSON. Absolutely. When we make it a clear declaration of national policy, and as one of our objectives to promote negotiations toward that end, toward the end of fixing a date certain, then I think we make it unmistakably clear to everyone, the world and everyone within and without our Government, that we are willing to do just that, subject only to the condition that I have mentioned, that concurrently agreement be reached for the safe release of our own POW's.

Mr. DU PONT. Mr. Anderson. I again would like to compliment you on doing your homework and on a fine presentation.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you, Mr. Anderson.

Our next witness is Congressman Claude Pepper, Democrat of Florida.

Mr. Pepper has made a distinguished record in the Senate, and since coming to the House of Representatives has become a valuable member of the Committee on Rules, and perhaps more important, has done important pioneering work as chairman of the Committee on Crime. Mr. Pepper is an extremely valuable Member of this House, and while as a very young Member of the U.S. Senate participated in some of the most historic decisions that this country ever made during the administrations of President Roosevelt.

It is a pleasure to warmly welcome you here this afternoon.

#### STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Mr. Chairman and members of the committee, I thank you very much for your kind introduction, especially for the privilege of being here before your distinguished committee this afternoon.

You have a very important responsibility to the Congress and to the country in the consideration of the many measures which will come before you here. I have two resolutions which I would like briefly to discuss. One is House Concurrent Resolution 307, which I introduced May 17 of this year which provides that:

*Resolved* by the House of Representatives, the Senate concurring, that the President shall remove all military forces of the U.S. from Indochina by December 31, 1971, and shall not deploy any U.S. armed forces whatsoever in Indochina after December 31, 1971 without the prior approval of the Congress.

This afternoon, I am reintroducing that resolution with an amendment which is a part of the amendment that I introduced in the House the other day, and which received, I believe it was, 147 votes, that would provide, at the end of the language I just read, that this resolution shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action, but held as prisoners of war, shall not have completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to December 31, 1971.

That, of course, is the resolution many of us believe should have approval by the Congress, bringing about on the part of the Congress, if possible, a complete removal of the Armed Forces of the United States from Indochina by the end of this year.

Now I will offer my other resolution and I would like briefly to discuss the matter.

I am also introducing in the House this afternoon a resolution which is the exact resolution adopted in the Senate the day before yesterday, offered by Senator Mansfield and other Senators which in substance provides that the United States should terminate at the earliest practical date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of adoption of this resolution, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

The House of Representatives hereby urges and requests the President to implement the above expressed policy by initiating immediately the following action:

One, establishing a final date for the withdrawal from Indochina of all military forces of the United States, contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government. Such date to be no later than 9 months after the date of the adoption of this resolution.

Two, negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

Three, negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph 1 hereof, or by such earlier date as may be agreed upon by the negotiating party.

Now, the only variation, Mr. Chairman and members of the committee, between that resolution, which on the advice of the legislative counsel of the House I made a "sense of the House" resolution, and the Mansfield amendment, is that in the beginning of the Senate amendment to the draft bill, which is pending over there now, it says

section 302—it is title 5. Termination of hostilities in Indochina, section 302. It is hereby declared to be the policy of the United States to terminate.

I suppose that the Senate adopted that language—57 to 42, I believe it was—with the assumption since that was an amendment to a pending bill, that the House would perhaps adopt the same language, and then the bill would go to the President for signature or for allowing it to become law without his signature, so that in that sense in the same measure there would be concurrent action of the two Houses of the Congress.

We read in the press that the House members of the Armed Services Committee, at least the chairman, whom we all esteem very highly, indicated that he didn't look with too much favor upon the adoption of that amendment in conference between the House and the Senate.

The White House, I saw in the paper, stated that that action was not binding upon the President nor on the policy of the country, because it was just the opinion of 57 Senators and not the opinion of the Congress of the United States, not the enactment of the Congress of the United States.

I don't know what will happen to that amendment when it gets into conference. It is not quite as strong as I would like it to be, but I have offered the counterpart of it here as a sense of the House resolution, because if the House did adopt it, with all the language being the same except the first two or three lines, why, that would constitute an expression of sentiment of exactly the same words as to what should be the foreign policy of the United States, by both the Senate and the House of Representatives, and whether it was in the same bill or not it would seem to me not particularly relevant insofar as it reflected what was the sentiment of the Congress of the United States as expressed by both Houses.

Mr. Chairman, Saturday of last week I attended the Florida Bar Association convention in Miami. There was a debate among four very able representatives of the two points of view on the question: Is the war in Vietnam legal?

On the affirmative side, we had the distinguished Solicitor General of the United States, the Honorable Erwin Griswold, one of the ablest lawyers in the Nation; and associated with him was Senator Edward Gurney of Florida.

Opposed were two very able lawyers: the attorney general of Massachusetts; and a professor, former partner of mine, Mr. Neil Rutledge, professor at the law school at Duke University.

One of the very strong arguments made by the distinguished Solicitor General as to the legality of the war, is the same point that I made in reading from some cases on the floor of the House the other day when I offered my amendment to the effect that the Congress has been co-operating with the Executive in the support of, and in the conduct of, this war.

As the court cases said, it is a joint enterprise between the Congress and the Executive because Congress has provided the material and the men and the money, so if the Congress is not to be regarded as a partner to this conflict, why then, we are going to have to disassociate ourselves in some way.



This sense-of-the-Congress resolution of mine, the second one, the same one as the Mansfield resolution, is not absolutely by congressional act cutting off money, cutting off men, or cutting off materials. It is expressing the sense of the House of Representatives along with the sense of the Senate expressed in the Mansfield amendment, and that does constitute an expression of the Congress that the Executive should terminate this war upon the conditions set forth in my resolution.

Mr. Chairman, for all of the reasons that we all know that lead so many of us to feel we must terminate this war, with safety on the part of our prisoners assured, at the soonest possible time. I would be very grateful for the consideration of this resolution by your distinguished committee.

Thank you very much.

Mr. GALLAGHER. Thank you very much.

I wish we didn't have a bell ringing, but we do. I would like to draw upon the benefit of your experience from the very dark days when you were a Member of the Senate, a time when our country was going through such difficult times, when people had no food, no jobs, no money, and it was a time of no hope. Unfortunately, sometimes these days it seems a time of no hope. I hope we can have you back.

Mr. PEPPER. Mr. Chairman, having served on the Senate Foreign Relations Committee for 12 years, I know many of the problems your distinguished committee has. Thank you very much.

Mr. GALLAGHER. Thank you.

The subcommittee stands recessed for 10 minutes.

(A short recess was taken.)

Mr. GALLAGHER. The subcommittee will come to order.

Our next witness is Congresswoman Bella Abzug, Democrat, of New York.

Mrs. Abzug certainly needs no introduction to any group concerned with the war in Indochina. Her energy, intelligence, and voice have been constant in criticism of America's role in that tragic part of the world.

Mrs. Abzug, we welcome you here this afternoon.

#### STATEMENT OF HON. BELLA S. ABZUG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mrs. ABZUG. Thank you very much, Mr. Chairman and members of the committee.

I want to thank you for this opportunity to appear before you today. Whatever your individual views on the war in Indochina, I think we can all agree—particularly in view of the disclosures in the Pentagon papers—that these hearings come late on the scene of history.

The interest of the American people and the interest of truth would best have been served if the House Foreign Affairs Committee, acting on its constitutional authority, had held a continuous series of public hearings on the war, beginning in the early 1960's. I don't want to appear ungrateful, gentlemen, but these hearings are finally taking place in the session that I have joined the Congress; we have waited both in and out of Congress for many years.

Mr. GALLAGHER. There are two interpretations. One, that you joined the Congress; two, that I finally became chairman of this subcommittee. [Laughter.]

Mrs. ABZUG. That is what we call a personal interpretation.

Mr. GALLAGHER. OK.

Mrs. ABZUG. Instead, the responsibility to shed light on the sources, rationale, and conduct of our Nation's foreign policy was, in effect, abdicated to the academic community, which, through a series of public teach-ins, first brought the complex issues of the war before the American people. This was an educational role subsequently taken over by the Senate Foreign Relations Committee, and illuminated by one startling disclosure after another in the press and on TV.

We have come a long way since those early teach-ins, and for the American people it has been a journey of discovery from initial detachment to skepticism, questioning, disillusionment, moral outrage, and at last, repudiation of the longest war in our history.

As one who opposed America's role in the war from the beginning, perhaps I should find some moral satisfaction in this progression of understanding as to the true nature of this conflict. I cannot. There has been too much blood spilled, too many dead and wounded, too many—both Americans and Indochinese—who are still dying and suffering unnecessarily as we sit here and talk.

The war goes on long after the American people gave a mandate to this administration to end it. You have heard over and over again by now, I am certain, that 73 percent of the public favors a prompt end to the war and that among women, 78 percent want us to get out. These figures merely ratify what many of us know and sense and see as to the mood of America.

The tide began to turn against the war after the Tet offensive, and **went rapidly out with each succeeding disclosure of the moral and political bankruptcy of America's policy in Indochina—My Lai, the case of Lieutenant Calley, the invasions of Cambodia and Laos, and now the latest shocking revelations that administration after administration has engaged in calculated deception of the American people.**

The response has been successively larger waves of protests, demonstrations, and outcries by Americans from all walks of life. In recent weeks, we have seen a half million Americans gather on the Capitol grounds. We have seen thousands of Vietnam veterans baring for us their wounded bodies and consciences. We have seen thousands of young people turning, in frustration, to acts of civil disobedience. We have seen middle America and professionals, lawyers, teachers, businessmen, working people, blacks, religious groups, the legions of common cause, all pleading with the Congress to assert its responsibility, to write finis to a war that has brought incalculable torment to the people of Indochina and poisoned the soul of our own country.

It has taken 10 years for Americans to learn the truth about this war, even if it is not yet the whole story. And now that they know, they are no longer able to live with themselves, as human beings and as a nation, while this war goes on. And with innate moral courage, they see, too, the outrage of a policy that continues to ask American soldiers to give their lives for a war that has been largely discredited.

The antiwar movement has grown to encompass the vast majority of Americans. It has not failed. It has succeeded in changing the national debate from "if" we should get out of Vietnam, to "when." But while popular support for the war has totally collapsed, apologists for a policy that has been exposed as wrong still cling to their

enclaves here in Washington in the White House, in the Pentagon, in our own House of Representatives.

Congress never declared this 10-year war, although under the Constitution it has the sole power to determine when and where this Nation goes to war. When Congress passed the Gulf of Tonkin resolution in 1964 in response to a deliberate trap set by the Johnson administration, it was abdicating its warmaking power to the President. That constitutional power was reasserted in December 1970 when Congress repealed the Gulf of Tonkin resolution, but thus far it has failed to take the corollary action of terminating the President's authority and capacity to continue the war and cutting off funds to sustain it, as it should do.

Americans rightly wonder what it will take to move the Congress to act. Must we top My Lai? Must we go beyond the disclosures of the Pentagon study which, as Daniel Ellsberg pointed out in a television interview with Walter Cronkite last night, in its entire 47 volumes shows no expression of concern on the part of American policymakers as to how their decisions and escalations of the war would affect the actual lives of the people of Indochina or the American people?

A few men in high places played war games, manipulated governments and leaders, contemplated employing nuclear weapons, ordered the use of flesh-searing napalm and the destruction of the Indochinese countryside with poisonous chemicals, expanded the war in Laos, turned the skies over Southeast Asia into arsenals of terror against entire populations—and never paused to ask themselves who gave them the right to kill and mangle and displace a million people.

The House Foreign Affairs Committee can and should ask that question. It can, also, of course, conduct lengthy investigations. There is much still to find out. It should, I believe, have access to the complete 47-volume Pentagon study of the war from 1945 to 1967 which has been turned over as a still-classified document to the House Armed Services Committee. The House has the responsibility, I believe, to make that information available to the entire American people.

In a privileged resolution of inquiry presented to the House several days ago—H. Res. 489—in concert with 25 colleagues, I asked that the President be directed to provide the House with the full and complete text of the Pentagon papers. The House Armed Services Committee will hold hearings on that resolution this Monday. As representatives of the people, the House is entitled to have that report, freely and fully and in unclassified form, and to make use of it without any restrictions imposed by the executive branch.

In another resolution of inquiry—H. Res. 491—which I hope will have the full support of members of this subcommittee, I also ask that the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be directed to furnish the House within 15 days with full and complete information on:

One, the known existing plans for a residual force of the U.S. Armed Forces in South Vietnam.

Two, the nature and capacity of the Government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency, including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunctions



and corruption, the depth of popular support and procedures in dealing with nonsupport, including but not limited to known existing studies of the economy of the Republic of South Vietnam and of the internal workings of the Government of the Republic of South Vietnam.

Three, the plans and procedures both on the part of the Republic of South Vietnam and the U.S. Government for the November 1971 election and the Republic of South Vietnam, including but not limited to analyses of the U.S. involvement, covert or not, in said election.

This is information which I believe the Members of the House must have if they are to make an accurate evaluation of the President's Vietnamization policy, a policy whose inherent weaknesses they have yet to confront. Last week, a majority of Members of the House were still implicitly adhering to support of that policy by their rejection of the Nedzi-Whalen amendment.

In turning aside even this mild version of a proposal that a specific date be set for a total withdrawal of American forces from Indochina, the House was going along with the two conditions set by President Nixon for withdrawal: One, the prior release of American prisoners and, two, the ability of the South Vietnamese Government to maintain itself in power militarily. Neither condition is, I believe, in the true interests of the American people, of the prisoners, or of the Vietnamese people themselves.

Americans are properly concerned with the conditions under which American prisoners are being detained and appalled by the failure of the North Vietnamese Government to observe the Geneva convention with regard to treatment of prisoners. However, there is a growing recollection that the release of prisoners customarily comes at the conclusion of a war, not prior to the end.

Furthermore, there have been enough statements and signals from the North Vietnamese as to their willingness to negotiate release of the prisoners once a withdrawal date is set for our Government to take them up on that and set a date.

The alternative is a cruel impasse in which the prisoners of war will continue to be cast in the role of political pawns and will remain incarcerated indefinitely. And the longer they remain prisoners, the more likely that the executive branch will once again resort to reckless military acts that will jeopardize even the current pace of withdrawal.

As for hinging our withdrawal on the viability of the government in Saigon, it has probably been pointed out that President Nixon thus invests President Thieu with a greater say over American foreign policy than he is willing to accord to the elected Congress of the United States.

President Thieu is wholly a creation of American power, and despite the years of coaching he has received from the American Embassy, which still persists in attempting to pass him off as a symbol of democracy, he remains impervious to the fine points of democratic election procedures. After the blatantly unfair election law which he has just forced through the Vietnamese parliament, must we still be insulted by pretext that American bombs and guns are making the world safe for democracy in Vietnam? And must we continue to sacrifice lives for this cause?

We can have no confidence in anything the government of President Thieu says, whether it is proclaiming a victory in Laos or denying its involvement in drug traffic or corruption. On the basis of the revelations in the Pentagon papers about past weaknesses of various military regimes in Saigon, we can have no confidence in any public statements made about the durability of the South Vietnamese Government by the current occupant of the White House.

It is clearly in order for the House and its Foreign Affairs Committee to demand and to get from the Executive the complete text of studies on the South Vietnamese Government which are known to have been made by the executive branch, as called for in my resolutions of inquiry.

Another resolution that I have introduced (H. Res. 342) calls for an investigation of the relationship between the prolongation of the war and the interests of private American companies in bidding for offshore oil rights off the coast of Vietnam.

We have a right to know whether there is any basis for persistent reports of long-range plans by the Nixon administration to maintain indefinitely a residual force of some 50,000 men in Vietnam as well as a bombing force stationed in or near Indochina. And we have a right to know if any commitments or even hints have been made to these companies about a continuing American presence in Indochina to protect contemplated investments.

As I said earlier, the House Foreign Affairs Committee could involve itself in lengthy hearings on the war. But I think that not even you would accuse me or other Americans of impatience if we were to state that hearings, even at this late stage, are fine, but that at the same time you have a duty, a responsibility, a commitment to conscience to act now to stop the war.

Even without the disclosures of the Pentagon papers, you had ample basis for action. But now there is once again an opportunity to act. As you know, I believe that the war can be ended immediately and that the President would have the support of the Nation if he would set a nearby date—I have proposed the Fourth of July of this year.

As my first act in Congress when I came here, the day I was sworn in, I introduced a bill which called for our withdrawal from Vietnam on the Fourth of July, with naivete, perhaps, but with optimism and with belief—sincere belief—that the will of the American people, which I knew from my years of experience, could yet be heard in the Congress of the United States and could be acted upon.

I believe that we could withdraw our forces tomorrow if the President would just stop sending men to Vietnam and start massive, speeded-up withdrawals of our forces. In the absence of a response to the Fourth of July date, I supported the Vietnam disengagement bill which proposed the end of this year as a cutoff point. I support it for a number of reasons.

I support it because it calls for an early date and because it received a large amount of support from among the Members of Congress and also because it calls for the cutting off of funds.

I believe that it is not only important for Congress to state that it will respond to the American people, but also for it to begin, and begin immediately, to use its power to enforce its words by cutting off appropriations. The strongest power it has in the Constitution is to restrain excessive acts of the Executive.

The Vietnam disengagement act, too, has been turned aside by a Congress that still accords the President powers far beyond those he warrants constitutionally.

Now, in reaction to the events of the past week, the Senate has turned about and has approved the Mansfield amendment which calls for a total withdrawal from Indochina no later than 9 months after enactment, subject to release of prisoners of war. I support that.

The Mansfield amendment very wisely ignores the administration's fantasies about the viability of the Thieu government or committing our people to its perpetuation and addresses itself solely to the prisoner-of-war issue, calling for negotiations and an immediate cease-fire.

It proposes negotiating an agreement with North Vietnam which:

Would provide for a series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof"

the 9 months date—

or by such earlier date as may be agreed upon by the negotiating parties.

Yesterday, the New York delegation, in keeping with my request, endorsed this proposal and asked that Members of the House be given an opportunity to direct their representatives to support it in House-Senate conferences on the selective service bill.

I would also urge that this committee report favorably a counterpart of the Mansfield amendment which is going to be introduced in the House. It is my belief that if the Congress finally bends to the will of the electorate and adopts even such proposals as the Mansfield amendment or its House counterpart, it can, by this single step, revitalize the negotiations in Paris, elicit a favorable reaction from the North Vietnamese, and finally bring the war to a close.

If the Congress finally takes this necessary action and instructs the President to set a date for withdrawal, I believe that the North Vietnamese and the NLF will, by the logic of their own public statements, have to begin negotiating immediately for the release of our prisoners. I call on them to make such a pledge.

It has always been in the power of Congress to undeclare this war. It has not chosen to do so. I submit that it must do so now.

Our people are asking for a revolution of values in this country, a reversal of priorities. As their representatives, we need to share in this inner revolution—a revulsion at death and destruction, a yearning for full life, for restoring the health and economy of our Nation, and for replacing America's worldwide network of military bases with international agreements for peace and mutual security.

Last week, it appeared that the Congress had turned its back on the American people. The Mansfield proposal, approved by the Senate, gives us in the House an opportunity to repair that error and to look our people in the face with good conscience. I urge you to use the full authority of this committee to so act.

MR. GALLAGHER. Thank you, Mrs. Abzug, for an impassioned and intelligent statement. I assure you that we share your conviction that the war should be ended and we share your compassion for those affected, for we are all affected by it.



I see in your statement on page 9, that you call on them to make such a pledge, on the issue of POW's which is so distressing to all of us who have participated in these hearings. I would tell you that if they answer positively you have our assurance that this committee would certainly be very delighted to move forward with a fixed date certain resolution. I think this is where it breaks down.

We had many of our colleagues here telling us that they have had discussions with negotiators of North Vietnam, and they have pledged many things. Of course, if something like that did happen, it would cast an entirely new light. In your opinion, does the negotiation in Paris really have anything to do with what we ourselves should do?

Mrs. ABZUG. Well, I think I made that position clear. I think if we set a date of withdrawal, a time certain, we would be prepared to withdraw troops from Vietnam as a matter of policy, that negotiations in Paris would proceed to tie it up, including the release of prisoners.

I am interested in your remarks on the question of prisoners. It has been utilized by all kinds of people as a reason for not setting a date certain for withdrawing from Vietnam. On the other hand, most people who had dealings with the Vietnamese, in statements I have read from the heads of the delegation, have indicated on both sides, that is Americans who have dealt with them and leaders of the Vietnamese delegation—the North Vietnamese delegation—have indicated that if a date is set, there could be an agreement made for the mutual release of prisoners and certainly the release of our prisoners as part of that. I don't know what all the skepticism is on that subject.

I perhaps recall something else to the attention of this committee. There have been other prisoners. There have been other wars both in this country and in Indochina and in other places. I think we all know that normally that has been the procedure. I think in the recent weeks and months that the families of the prisoners of war, many of them have come to realize that their beloved ones are going to be released with all the other prisoners of war, with all Americans that are going to be withdrawn the date certain, and I think to constantly harp on that subject will not move us anywhere in this House—

Mr. GALLAGHER. I am not harping on the subject. You have it in your statement, which is why I asked you about it.

Mrs. ABZUG. I believe we should make a date certain and I want to suggest, and I am suggesting, that I believe—and I call on the Vietnamese as just one person, a Member of Congress—that if Congress acts in fact and makes clear that it is prepared to end the war at a date certain or it is prepared to assume its rightful power to bring this war to an end by stating a date certain by resolution and so on, that it would then be proper and correct and appropriate and important for the Vietnamese to respond by saying that if the date certain is set, there will be a pledge to negotiate the release of prisoners in common.

Mr. GALLAGHER. We have some 73 or 74 various versions. Do you favor a fixed date resolution that makes the prisoner release a condition precedent to the resolution becoming totally operative?

Mrs. ABZUG. Well, I favor a statement—I indicated my support for the Mansfield amendment which, in effect does that. It states the date and then provides for it to go into effect unless there isn't this phased agreement to release. I favor that.

Mr. GALLAGHER. I have some reservation. I happen to believe that the prisoner of war issue will be resolved when the war itself is resolved. We tied ourself into a bind now, by making the prisoner of war release contingent on any operative resolution. I am curious as to what your thinking may be on that.

Mrs. ABZUG. I think that if we agree on a date of termination, and that is a commitment of the Government, that the question of prisoner release no longer becomes a major question, because the North Vietnamese have indicated that when we are prepared to say that we are getting out as of a certain date, they are prepared to negotiate the release of prisoners. That is why I don't think that this is a serious problem at this point.

Mr. GALLAGHER. Thank you.

Mr. du Pont?

Mr. DU PONT. Thank you, Mr. Chairman.

Mrs. Abzug, you indicated your support for the Mansfield resolution. Let me put a question to you concerning that resolution.

If we accepted it in the House and if we passed it and it became part of the law, and if, come the end of the line, the North Vietnamese said, well, we are not going to release the remaining prisoners or some of the prisoners until you stop your economic aid to South Vietnam, and so the Mansfield resolution broke down at that point, would you be willing to vote for a resolution that we stop withdrawing troops from South Vietnam?

Mrs. ABZUG. I am interested in seeing that we set a date. I am indicating our willingness to support the resolution. It is not the best resolution. I am interested in setting a date. Let's get that clear right now, we say let's get out of Vietnam tomorrow. That is my personal feeling and I believe the feeling of three-quarters of the American people. They are not interested in the nonsense that we are going through over and over.

Now, I don't know where you are getting the question of economic aid from. I am not going to muddy it up with anything but the Mansfield amendment. The Mansfield amendment, or any resolution that I support, states a date certain and sets forth certain conditions under which we will withdraw.

Now, I am not going to allow other conditions as to what else this Government might do to support oil interests and so on and so forth to be a basis for my changing my mind on the Mansfield amendment, because I think we have got to stop propping up the South Vietnamese Government. I think we have to stop having anything to do with that Government. I think it is time we allowed those people the same opportunity to determine their internal affairs that we fought for in our own American Revolution.

So, I am not concerned with other side issues that are going to come up. My objective in supporting the Mansfield resolution, which is not really the strongest resolution, is to help us get out of that war, to help us stop killing, to help us stop killing our own people and other people, to help us get on with the business of building this country. And I am not as much concerned with economic aid for the Thieu government, which is a corrupt government, or for protecting American interests, as some other Members of Congress may be. I am interested in getting us out of there that is where I stand.

So, I am not sure that I would agree to revoke the Mansfield amendment under those conditions.

Mr. DU PONT. Excuse me for phrasing my question badly, and let's start over and try again.

As you stated, the Mansfield resolution sets a date certain with certain preconditions. My question is: if one of those preconditions is not met, would you then vote to stop taking troops out as the Mansfield resolution—

Mrs. ABZUG. If I am going to support the Mansfield resolution, I suppose I would have to obviously, logically, follow the next step.

Mr. DU PONT. I appreciate that answer. That is better than we had from some of our predecessors this morning.

Mrs. ABZUG. I want you to understand one thing. I am not supporting this resolution, the Mansfield resolution, because I think it is the best resolution. I want that very clearly understood. I am trying to get this body to act, to utilize its power. I might then go on and ask for a stronger resolution. I don't know. But I am suggesting to you that the Congress of the United States once and for all must reflect its obligation, its duty, its responsibility to act in this field which it has totally abdicated.

I accept the Mansfield amendment because it is at least a statement, accepted by the Senate, which encompasses a principle for which I stand, which is that there must be a setting of the date in order to insure our withdrawing all of our troops from Indochina, and ceasing all of our military involvement there.

I don't choose it in preference to my own concepts as to how the amendment should read. I don't choose it over the McGovern-Hatfield resolution or its House counterpart, the Vietnam disengagement bill. I choose it because it is an action of the Senate body which will come to us in that form. I think we should be prepared to support it so that we may restore some power to the Congress so that we may include some reflection of the will of the American people in the things that we do. And so, I am going to try to go along with that amendment, even though it is not exactly what I want. I may go further ultimately, but I will try to do what I can to support this item now.

Mr. DU PONT. I think you have clearly gone further in House Resolution 54, which did set the July 4 date.

Could I ask a little bit tangentially—and I understand very clearly what your position is on getting our troops out—do you generally favor when the day comes that our troops are out, do you favor continued help to Vietnam, Cambodia, Laos, in any form?

Mrs. ABZUG. Well, I believe in an international community of nations. I am a person who comes originally, as you know, from a movement for peace, a movement that believes that there should be general and complete disarmament under international control, under some universal public authority and that nations should live cooperatively side by side, regardless of their economic systems and political systems.

I believe in this international community of nations. I believe that we should utilize our combined efforts and strengths and resources for the purpose of helping other nations to prosper economically—not for political purposes, not so that we can act as God or as international policemen, not to determine their course of government or their course of history, or overturn that course. We should act to make it possible



for people to exercise their inherent rightful sovereignty to build nations and to benefit from their own human and natural resources, not for the benefit of those in this country who make profits on such people.

Within that context, obviously, I am a great believer in international aid to nations, but to the people of nations, not to the guests or profiteers who seek to prevent people from enjoying the benefits of their own labor.

Mr. GALLAGHER. That is how we got into this in the beginning. We felt Diem was a "no goodnik" and then sent 25,000 troops and then 50,000. We get hung up on how we do these things and not disregard the whole issue of sovereignty when, involved in that sovereignty is corruption and suffering people. That is the sad and complicated part of it.

Mr. DU PONT. Thank you very much, Mrs. Abzug.

Mrs. ABZUG. Thank you. It was a pleasure to come before you. I wish you good luck in your deliberations and actions.

Mr. GALLAGHER. Thank you very much, Mrs. Abzug.

Our concluding witness this afternoon is Congressman James Abourezk, Democrat, South Dakota.

Mr. Abourezk is a member of the Judiciary Committee of the Interior and Insular Affairs Committee here in the House, and played a distinguished record during his first term.

We welcome you here this afternoon.

#### STATEMENT OF HON. JAMES ABOUREZK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. ABOUREZK. Thank you, Mr. Chairman.

Do you have a copy of my statement? Has that been sent to you? Thank you.

I will pass over the statistics in the first few paragraphs. You heard them innumerable times.

I want to talk as briefly as possible, because of the lateness of the hour, about the offshore oil situation which I don't feel has received the attention that it should. The possibility of massive investments by U.S. oil companies in potential offshore oil deposits located on the Continental Shelf off the coast of South Vietnam is one that concerns me.

The possible effects on U.S. foreign and military policy that these investments could have deserved the closest possible congressional scrutiny. I would hope that this subcommittee will, in the very near future, undertake such an investigation.

I want to provide you some background information on this matter.

During the late 1960's and continuing into early 1970, two seismic surveys were performed in the coastal waters off of South Vietnam. The first was ostensibly under the auspices of the United Nations Economic Commission for Asia and the Far East. In fact, however, a recent State Department disclosure points out that the United States provided the ship, equipment, and technical personnel for the survey. The results of this first seismic survey were not entirely conclusive, but suggested that oil deposits may be present in the area studied.

In 1969 and 1970, a similar but more intensive survey was undertaken by the Ray Geophysical Division of Mandrel Industries, a Houston, Tex., based corporation, for a group of 12 international oil companies. At least six American oil companies—Standard of New Jersey, Esso, Continental Oil Co., Conoco, Union Oil, Phillips Petroleum, Marathon Oil, and Getty Oil—either participated in or purchased the results of that survey. Although the specific findings of this later study have never been publicly revealed, indications are that the findings supported the belief that substantial oil deposits are located off the coast of South Vietnam.

At the same time these surveys were being conducted, the oil industry press began to publish numerous accounts of the potential "oil boom" which might occur if these findings were correct. Suggestions of extensive deposits emanated from both the industry press and the Government of South Vietnam. Terms such as "another south Louisiana-Texas type producing area," "one of the most spectacular petroleum deposits in the world," and "one of the biggest oil production areas in the world in the next few years" were suggested.

As every oilman knows, the actual presence of oil can only be determined by drilling. These predictions, then, should not be regarded as determinative but rather, then, to indicate that those persons who are in a position to know believe that there are some potentially valuable oil deposits off the coast of South Vietnam.

The next major development occurred on December 1, 1970, when the Government of South Vietnam promulgated a law authorizing the exploration and exploitation of oil concessions in its territorial waters at some later date. The offshore acreage was divided into 18 blocks, which were to be leased to foreign oil companies on a best-offer basis.

Immediately, reports of an impending call for bids by the South Vietnamese Government began to circulate through the oil industry. By April 1, 1971, 28 international companies were reported as very interested in the prospects and many of them, including a number of American companies, had sent representatives to Saigon to discuss terms. Throughout the spring, talk centered on when the official call for bids would be issued. Then on June 9, 1971, just 2 weeks ago, the Saigon government announced that it would begin screening applicants for bidding.

This Monday, I had an opportunity to discuss the offshore oil question with Mr. Pham Kim Ngoc, the Minister of Economics of South Vietnam, and the Chairman of the National Petroleum Board which will control the bidding and awarding of leases. Mr. Ngoc advised me that the South Vietnamese were now screening oil companies to "weed out speculators," as he put it. This will continue until August 15. Thereafter, for 45 days, the applications of the various companies would be analyzed and considered. Sometime after October 1 of this year, actual bids on the concessions will be accepted. The leases will be officially awarded by the end of this year. Mr. Ngoc stressed the fact that his government was intent on proceeding with this matter as quickly as possible.

Currently, there are 30 companies—American, Japanese and European—interested in bidding on the South Vietnamese oil concessions. Mr. Ngoc said that he would provide me with a list of these 30

companies, but, as of yet, I have not received it. I would be surprised, however, if more than half the interested companies were not American.

This, then, is a brief outline of the background surrounding this matter and a statement of where we stand today.

At this point, the question might be asked, "Why should Congress be concerned that private American oil companies may choose to invest huge sums in South Vietnamese offshore oil?"

The answer—simply and clearly—is that I fear that if these investments are undertaken, the possibility will arise that the oil companies will become a powerful economic and political constituency in this country, favoring unlimited American support for the concession-granting Thieu-Ky regime, or pressing for a Korean-type settlement to the conflict, involving the indefinite presence of American troops in South Vietnam to protect the sizable oil investments there. Neither of these solutions is acceptable, I believe.

Please note that I am not saying that oil is the reason our country became involved in the Vietnam conflict. Nor am I suggesting that our policy in regard to that war has, in the past, been determined by such considerations. What I am saying, however, is that the possibility of future American oil investments in South Vietnam will give rise to the potential for private economic considerations becoming part of the official decisionmaking process of our Government.

As an example, I would point to a story which appeared in the New York Times on June 11, 1971. The story, out of Saigon, detailed a proposal that the French Government had made to the South Vietnamese Petroleum Board. In effect, the French were offering to completely oversee the acceptance and awarding of bids on the 18 offshore oil concessions for the inexperienced South Vietnamese. Reportedly, Mr. Ngoc, the head of the Petroleum Board, was interested in the French offer. The story continued:

Considerable pressure was exerted by American oil representatives here to make Mr. Ngoc change his mind about the French offer, which in their eyes, meant that the Americans would be pushed out.

One American oil man, who was particularly incensed at the French plan, said he had told Mr. Ngoc that if the French achieved this control, his company, one of the world's most powerful, would suggest to Congressmen that they reduce or block all economic aid to South Vietnam. "I let him know that if he let the French do this, then he could damn well ask the French for economic aid as well, because the Americans wouldn't come through with it," the oil representative said.

At this point, neither the South Vietnamese nor U.S. Governments have much to say about the question of offshore Vietnamese oil. Mr. Ngoc told me Monday that he had not discussed the matter with anyone in our Government during his 10-day visit here. He said he had never spoken about offshore oil with anybody in the U.S. Government, and that is a statement which I find a little bit unrealistic, because he is dealing in large part with officials of our Government on a day-to-day basis. In addition, our State Department says that the possibility of oil will have no bearing on our policy toward South Vietnam.

Yet, the question must be asked, "Would American oil companies be willing to invest huge sums to acquire 30-year oil concessions without some form of assurance from our Government of continuing political stability in South Vietnam?" And might not such stability take



the form of a continuing American military presence in that part of the world to protect such investments?

The recent revelations in the New York Times and the Washington Post indicate clearly that much of our past Vietnam policy has been made behind closed doors and beyond the critical gaze of public scrutiny. The same thing cannot be allowed to happen now. The facts surrounding this matter must be placed before the American people as quickly as possible.

I believe that this subcommittee has the right—indeed, the duty—to undertake a comprehensive investigation into U.S. interests in South Vietnamese offshore oil.

I have made this request publicly twice before. I hope that it will not go unheeded now.

Thank you.

Mr. GALLAGHER. Thank you very much.

I frankly must say I am rather confused on the issue you present. I must also say that the subcommittee is sitting now considering the end-the-war resolutions. I wish that we could say we would stop our hearings next week and be able to get to other things, but I don't believe that that is possible at the present time.

So, while your request may not go unheeded, I am afraid I can't promise you when it will have proper consideration. It is obvious that proposals relating to oil deposits are going to have to be carefully considered, and I really have not had the opportunity, and I don't believe any of the members of the subcommittee have had an opportunity, to study the documents you mentioned. But I would ask at this point: How can we forbid the Government of South Vietnam, no matter who is in power there, from developing the natural resources? Or, in effect, should we?

If they don't utilize their national wealth, would we not have to really prop them up for a considerable period of time? If the French can do it, I think that is a great solution.

Mr. ABOUREZK. I am not suggesting that we do forbid them. All I am really suggesting is that we expose whatever is happening. I am not sure I know what is happening at this point, but that we in the Congress attempt to expose it to the public scrutiny.

As I said in different phraseology in my prepared statement, if the people of this country had known back in 1964 and 1965 our basis for entering into the Vietnam war, or the Government's basis, they would have said no, in my opinion. They would have refused to allow this country to become involved.

What I am saying now is that we ought to expose everything to the public eye so that the people of this country can make the decision based upon what the facts are. I think it is the duty of the Congress—those of us, you and I, Mr. du Pont, and the rest of the committee members—to do what we can to write everything that is going on with regard to offshore oil, out into the public eye.

By that, I am suggesting that we bring in members of the State Department, under subpoena and put them under oath, and ask them what kind of discussions have taken place with South Vietnam's Government officials, with American oil officials.

I am rather concerned, and I am a former businessman myself. I would not invest any substantial sum of money in a 30-year oil lease

where I had a suspicion it might blow up tomorrow. Say that we do withdraw before the elections, next year, withdrawal of our troops——

Mr. GALLAGHER. That is exactly what some of these oil companies did up in Alaska. They haven't gotten the oil out yet. They invested substantial sums of money.

Mr. ABOUREZK. There was no war going on in Alaska either. They had a much safer risk. What I am saying is the risk is far too great——

Mr. GALLAGHER. It looks like they had a far greater risk in Alaska than they have in Vietnam.

Mr. ABOUREZK. Apparently they didn't know it at the time.

Mr. GALLAGHER. People do make large investments without checking things as completely as I am sure they would like. I am not sure whether or not on this particular issue that we are discussing relates to how to end this war and how best this subcommittee can take action to bring about the end of that war. I am not sure whether we are really pouring oil on troubled waters and then dropping in a match. Is this really germane to the pressing problems? Obviously, you believe it is.

Mr. ABOUREZK. I think it is directly related. If you are going to talk about ending the war, you have to talk about all of the considerations that might come to bear on ending the war.

Mr. GALLAGHER. I don't really think there is any Member of this House on both sides of the issue, who would give five minutes of thought to oil as a consideration for not getting out of Vietnam. I would say that I have been involved in this committee for years and I heard all the reasons and all the nonreasons, and supposed reasons why we are in Vietnam. I never heard this one before. That is why I find it so fascinating.

Mr. ABOUREZK. I think the chairman misunderstands me. I don't believe that economic considerations has got us into the war. I think President Johnson and his people were a bunch of cold warriors. I don't have any question or doubt about that in my mind. That is why we got into the war. What I am concerned about is staying in the war with respect to pressure from the oil industry to keep us there.

Mr. GALLAGHER. I really think that bringing this in at this point makes me think that there may be a peace complex just as rigid and determined to keep going as the military-industrial complex is. I myself think that if we were to go off on a tangent on this at the present time, we may be creating a whole set of new dynamics that might interfere with getting out of Vietnam. That is the whole purpose of the exercise, most certainly of this exercise in this subcommittee. How can we generate the kind of thinking and energy within this Congress so that we can move in the direction of assisting the President in bringing the war to a halt? I firmly believe that is what he is attempting to do. If you feel oil rights are part of that, then I certainly respect your thinking.

Mr. ABOUREZK. I do think that is part of it, Mr. Chairman.

Mr. GALLAGHER. Mr. du Pont?

Mr. DU PONT. Thank you, Mr. Chairman.

I gather that your only interest and concern with this issue is that it might prolong our——

Mr. ABOUREZK. That is right.

Mr. DU PONT. I have to reassure you and to state for the record, there are very few things that would persuade me we ought to re-

main or escalate our military commitment in Southeast Asia today. I can assure you that oil interests is not one of them. So, I don't think, and perhaps you gauge the temper of the American public better than I, but I don't think that there is much chance that this would happen.

I direct your attention to two things that I received today that might be of interest. There is going to be an amendment offered by Congressman Bingham of New York to the foreign aid bill concerning oil and also I understand that the Senate has either scheduled or had some hearings on this question and——

Mr. ABOUREZK. They had some hearings, as I understand.

Mr. DU PONT. So that the thing is underway. I agree with the chairman—I seem to be the chairman at the moment—that we should not derail our present hearings to get into this area and should the time come, if ever, that we are through with these hearings, we can perhaps look into this question. But I would say that I appreciate your bringing it to our attention, and it is something to keep in mind, and I will keep an eye out for it as we go along.

I have no further questions, Mr. Chairman.

Mr. GALLAGHER. Thank you very much.

The subcommittee stands adjourned until 2 p.m. next Tuesday.

Thank you.

(Whereupon, at 5:35 p.m. the subcommittee was adjourned to reconvene at 2 p.m., Tuesday, June 29, 1971.)



## LEGISLATION ON THE INDOCHINA WAR

---

TUESDAY, JUNE 29, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 2 p.m. in room 2172, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you here this afternoon as the Subcommittee on Asian and Pacific Affairs continues the first comprehensive House hearings into bills and resolutions relating to ending the war in Indochina.

What has emerged most clearly from our first 3 days of receiving testimony from our colleagues in the House of Representatives is a widely shared belief that the withdrawal of American fighting troops from Vietnam be irreversible and that the war must end at the earliest practical date. I know of none, inside or outside of the Congress, who believes the killing of Americans or Asians should continue. We are united in our desire to see our prisoners of war released from their cruel confinement.

Events outside the House Committee on Foreign Affairs are making our hearings and our deliberations more urgent. As but one further example of how deeply the war has entered into all our institutions, even the Supreme Court is now grappling with the issue of the Pentagon's study on the beginnings of escalation. We are hearing arguments of national security in the courts, but in the streets and in the Congress and in the homes of every American we are finding the problems created by the war threatening our national sanity.

We have found areas of agreement during our hearings thus far. The question before us is not whether the war should end. The question is when and what role the Congress should play in bringing the war to an end, and whether the voting of a resolution will aid in the result we all want or hinder that result.

Our first witness this afternoon is Congressman Jonathan B. Bingham of New York.

Mr. Bingham is a valued and effective colleague on the Committee on Foreign Affairs. He was one of the first members to question American policy. Mr. Bingham is one of our most thoughtful and persuasive members of the House and I am sure his testimony will be enlightening and helpful to the subcommittee.

We will be pleased to hear your testimony at this point, Mr. Bingham. Please proceed.

**STATEMENT OF HON. JONATHAN B. BINGHAM, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. BINGHAM. Thank you very much, Mr. Chairman, for that generous introduction.

Mr. Chairman and members of the subcommittee :

First of all, I should like to congratulate you for holding these hearings. Shortly after coming to the Congress on June 3, 1965, I joined with 27 other members in urging the Foreign Affairs Committee to hold hearings on the issue of the Vietnam war. Now, 6 years later, it is finally being done. I hope, Mr. Chairman, that you will open these hearings up to knowledgeable public witnesses as well as to representatives of the administration.

Although your subcommittee will presumably be mainly concerned with the question of how we get out of the dreadful mess we are in in Indochina, the question of how we got into it is certainly relevant to that inquiry. I am not suggesting that the subcommittee concern itself with trying to fix the responsibility—the credit or the blame, whichever way you look at it. I see little profit in such an inquiry, especially since the chain of mistakes we have made—in my view—goes all the way back to 1945.

But I would urge the subcommittee to consider the historical background, especially questions such as the following, which are pertinent to the rationale given at various times for our involvement in Vietnam :

1. In the negotiations leading up to the signing of the SEATO pact, and in the hearings and debate preceding ratification by the Senate, was there ever any suggestions that this pact might give rise to the kind of obligation which Secretary Rusk and others have argued we owe to South Vietnam?

2. Was not the domino theory rationale for our military intervention in South Vietnam largely dependent on the image of Communist China—as distinguished from North Vietnam—as the real threat in Southeast Asia, and what happens to that rationale in the light of the administration's new widely acclaimed attitude toward mainland China?

3. To what extent were the American Congress and people tricked into accepting the necessity of American military involvement in the Vietnam war and, in the light of that background, what is America's present obligation, if any, to the people of South Vietnam?

In order to conserve the subcommittee's time, I will not undertake to discuss these questions now. I merely pose them as worthy of the subcommittee's study. And, of course, there are many other such questions.

Other principal sponsors of the bill are the gentleman from Tennessee, Mr. Anderson; Mr. McCloskey of California and Mr. Riegle of Michigan; and there are a total of 75 cosponsors as of this date.

First, I should like to draw the subcommittee's attention to the preamble of the bill, and to suggest that whatever bill or resolution the subcommittee reports out might well include a statement of findings similar to this preamble.

The preamble first states :

Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments.

It seems to me it would be hard to quarrel with that conclusion. In testimony before the National Security Policy Subcommittee on the question of war powers, the Legal Adviser of the State Department, Mr. John Stevenson, stressed the administration's view that the war power—absent a declaration of war—is a power that is shared by the President and the Congress.

The preamble then goes on to say :

That the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam.

These statements would appear to be self-evident. The next statement in the preamble is the following :

That the conflict can best be resolved through a political settlement among the parties concerned.

This is a point which is too often forgotten in any discussion of Vietnam. I will have more to say on this point later, in connection with the desirability of setting a terminal date for American participation in the war.

The final statement in the preamble is as follows :

That in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States Armed Forces from Vietnam.

In some way, this is the heart of the matter. The establishment of a date certain is in my view certainly more important than the question of what that date should be. While section 3 of H.R. 4100 calls for a withdrawal date of December 31, 1971, and while I still believe that that date is a practical and desirable one, I am very hopeful that the Congress will not pass the Selective Service Extension Act without including the Mansfield amendment which calls for a withdrawal date 9 months after enactment.

Also, with regard to section 3 of H.R. 4100, let me say that this section would now clearly have to be amended if this subcommittee were favorably disposed to the approach of this bill. The date of May 1, which figures prominently in section 3, has long since passed and, in addition, the section is perhaps unduly detailed. The essential point is that a date for U.S. withdrawal, contingent on release of all U.S. prisoners, should be set either at December 31, 1971, or as soon thereafter as possible.

Why is it so important that a termination date should be set either by the President or by the Congress? The answer in my judgment is three-fold: First, this is one sure way to assure that American combat participation in this tragic war does come to an end. Second, the President's approach gives us no chance as I see it to obtain the release of the American prisoners in the foreseeable future; setting a withdrawal date would give us such a chance. Third, in my judgment setting a withdrawal date would provide the first real opportunity for the warring parties in Vietnam to come together in a political settlement. In particular, it would force Saigon to negotiate realistically, which it has never done until now.



I would be glad to develop each of these three points further, if the subcommittee so desires.

#### THE VIETNAM ELECTIONS COMMISSION RESOLUTIONS

Next, I would like to comment on House Concurrent Resolution 192, introduced by an able member of this subcommittee, my colleague from New York, Mr. Wolff and others, and on Senate Concurrent Resolution 17, introduced by Senator Stevenson and others. While I have the highest regard for the sponsors of these resolutions and applaud their purpose, I am frankly troubled by both resolutions, for different reasons.

I start from the premise that the forthcoming Vietnamese elections, to the extent that they purport to give to the people of South Vietnam that "freedom of choice" which is the avowed U.S. objective, are essentially a fraud. They have already been rigged. This is so primarily because the real opposition in South Vietnam, the Communist and the "neutralists," are barred from putting up candidates. As if that were not enough, President Thieu has recently rammed through legislation further restricting possible candidates.

It seems to me that for the Congress to dispatch a commission to observe the conduct of the polling suggests that the Congress is satisfied with the basic frame within which the elections are to take place. The mere presence of the commission would suggest a kind of approval of the elections, provided there were no irregularities in the polling. This would be misleading, both to the American people and, more importantly, to the people of South Vietnam. The fact that, later on, the commission might file a critical report would not cure that initial false impression. Yet there would be little point in sending a commission, if the commission were to state upon arrival that it considered the elections rigged from the start.

Moreover, I seriously doubt whether a group of Americans, even with Vietnamese advisers, could discern whether improper influence was being brought to bear in subtle ways on the voters by local officials and others dependent on the Saigon regime. The mechanics of conducting the polling may be flawless, and yet many voters will probably cast their ballots in fear of retribution if they do not vote for the incumbent President.

I am, therefore, fearful that, however conscientious the commission and its staff might be, their presence and their report might tend to give to a Thieu victory a respectability that it ought not to have. If, in spite of everything, an opposition candidate were to win, a congressional commission report would be superfluous.

The Stevenson resolution is quite different. Its purpose, as I understand it, is to assure the South Vietnamese that the United States is not supporting General Thieu, and the commission would be concentrating on "U.S. involvement" in the elections rather than on the conduct of the elections. However, I am still fearful that the presence of such a commission would somehow imply that the United States accepts the basic framework of the elections.

In addition, I am troubled by section 2 of the Stevenson resolution, which reads as follows:

It is the sense of the Congress that no United States troops or other military assistance shall be furnished to any South Vietnamese regime which hereafter acquires, or retains, power through a coup d'etat or any corrupt or coercive means.

It seems to me unnecessary and undesirable for the Congress to commit itself now to this position. I can certainly conceive of a situation in which President Thieu might be unseated in a coup d'etat by a non-Communist group which was determined to work out a political settlement of the war. The United States might very well want to provide some military assistance to such a regime, pending the completion of peace negotiations.

I would like to add that the Stevenson resolution has been introduced in the House by Congressman Riegle and others.

In conclusion, I would like to make only this point: I would hope that, as we think about the morass that we are in in Vietnam, all of us, including President Nixon, would keep in mind the example of General de Gaulle in pulling the French out of Algeria. I loathed General de Gaulle for some of his policies, especially his ingratitude to the United States and his treachery toward Israel, but no one can deny that he was a patriotic Frenchman whose memory will be revered by his compatriots so long as there is a France.

And perhaps his finest hour was when he decided that the French military effort in Algeria had been a ghastly, costly mistake and should be ended—in spite of all the French lives that had been lost there and in spite of the commitments that France for decades had given to the French colonies.

I trust that this subcommittee will not regard the vote in the House yesterday on the motion to instruct the conferees with regard to the Mansfield amendment as conclusive of anything. In view of Chairman Hébert's strong plea that the House not tie the hands of the conferees, that vote cannot even be regarded as a vote on the merits of the Mansfield resolution.

And as the war goes on, and the casualties mount, and as it becomes clearer that the President has no real plan to end the fighting, and therefore no plans for getting our prisoners out, the need for congressional action to press for a termination date will continue to grow. I hope that after comprehensive hearings this subcommittee will come to the conclusion that it should recommend a resolution to that end.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you very much, Mr. Bingham, for a splendid statement.

I have several questions. First, I am intrigued by your twofold approach: one, of the necessity of getting American troops out of Vietnam with a fixed date certain resolution and the other on the question of elections.

On page 5, it would seem to me that we would be replaying the old refrain of "Diem must go" if we get involved in that election with a commission that will study coercion or perhaps corruption.

I am wondering about our priority. I have listened, as have many of my colleagues, to the various statements. It would seem to me our priority should be on the troops getting out of Vietnam rather than our presuming to police the kind of future election that Saigon will have. Do you see any conflict between our getting out of the war and our continuing to urge a democratic process in Vietnam?

Mr. BINGHAM. Let me say it this way, Mr. Chairman. I certainly agree with you the top priority must be on getting the United States

out of the war. That is the most important thing. But since even H.R. 1400 does not call for withdrawal before the end of the year, in principle I would not see anything wrong with an effort to improve the democratic processes in South Vietnam.

On the other hand, as I have indicated in my statement, I believe this election, so to speak, is already beyond redemption because of the basic conditions under which it is being held, which do not allow the real opposition to put forward candidates. Therefore, I reluctantly oppose the proposition that we should have a commission observing the elections.

So I think I come out on the same side that you suggest, but for slightly different reasons.

Mr. GALLAGHER. I recall the early days when several of us who were on this committee objected rather violently to the United States taking a part in the removal of Diem because, once having disturbed the balance within Vietnam, that balance could only be restored by the presence of greater American assistance and, finally, American ground forces.

In retrospect, I just wonder whether or not we have learned any lessons. Is it really possible for a truly Jeffersonian democracy to exist in Vietnam? If we believed that in those days, it would seem to me that we would not have assumed a moral obligation that we did to the government that succeeded Diem.

I just have one other question on a matter of history. You draw an analogy between the American withdrawal and de Gaulle's action in disengaging France from Algeria. Do you happen to know whether the French Assembly ever voted such a resolution as we are considering?

Mr. BINGHAM. I don't recall that, Mr. Chairman. It is a good question. I know there was a good deal of political action to General de Gaulle's action at the time, but I don't recall whether any vote was taken in the General Assembly. I would be glad to inquire into that.

(The following information was furnished:)

The first French conscripts were sent to Algeria in 1956. De Gaulle came to power in 1958 without stating a clear policy toward Algeria, the rightists believing he was the only man who could keep Algeria French and the leftists believing he was the only man who could give Algeria independence and get away with it politically.

De Gaulle's first statement on the subject was a speech on September 16, 1959 in which he called for self-determination for the Algerians. The rightists cried treason, knowing that self-determination would mean independence. But on October 15, 1959, the French Assembly passed a vote of confidence in de Gaulle, in effect supporting his position on Algeria. The vote was 441 to 23 with 28 abstentions and 60 absentees. No date for withdrawal or self-determination was mentioned.

I know of no resolution passed by the French assembly which specifically urged troop withdrawals or set a date for withdrawal.

Mr. GALLAGHER. I wonder whether if they restricted the flexibility of President de Gaulle, if he could have done as well as he could on Algeria. That is one of the problems that faces us—whether or not we impose an inflexibility upon the President, whether he will be able to bring that war to a quicker conclusion than if we did not.

Mr. BINGHAM. May I comment on that, Mr. Chairman?

Mr. GALLAGHER. Yes.



Mr. BINGHAM. I think that is quite basic. Normally I would be inclined to share that view that there might be some disadvantage to the Congress seeking to impose conditions on the President, but I feel in this case, first of all, we are dealing with a question of whether this country should be at war in the first place. The Congress never declared war and was never asked to declare war, but I think the very fact that the Constitution gives the Congress power to declare war, we have distinct responsibility and authority with regard to that question.

Second, I have no confidence that the President is seeking to end the war except in accordance with conditions that I think are impossible of attainment; namely, some kind of a guarantee that a government like the Thieu government will remain in power in South Vietnam. It is for that reason that I think the Congress not only is authorized, but I think is obligated to exercise some responsibility to bring pressure to bear on the Executive to end the war in a different way and without attempting to insist on that precondition.

I have no doubt whatever that if the President were only concerned or were primarily concerned, for example, with getting our prisoners of war out, that he would set a date, because having in mind only that consideration, I cannot see anything to be lost and there is everything to be gained by following that procedure.

I think the reason the President has not set a date and is reluctant to do so is because of the other condition which he mentioned. He puts it in terms of a reasonable chance for the Government of South Vietnam to survive, but I think in practice it means that he is seeking to assure the survival of the Government of South Vietnam.

I think this is the basic flaw in the administration's policy, that what is at issue today in Paris, as I see it, is the nature of the government that would be in power at the time elections are held. I do believe the Paris negotiations have made progress. Both sides have moved from their initial positions. Both sides have agreed on ultimate elections to be held in South Vietnam to determine the political future of the country. Both sides are agreed on international elections.

The crucial opinion, and it is crucial, is the character of the government that would be in power at the time those elections are held. Saigon and the United States insist that must be the existing government. The other side says, "No, we couldn't have fair elections under those conditions. We need a coalition government, something different from the present government."

I think what we face here is a kind of determination by the President still to try to save the Thieu government or something like it as the future government of Vietnam. I think it is for this that we are continuing in the war and I don't believe the American people are in favor of continuation of the war on this basis.

Mr. GALLAGHER. Do you not feel that an existing stable government regardless of who that government may be—and we all have a great many reservations on Mr. Thien's government, do you not feel an existing stable government is a precondition to the United States being able to pivot and come out of Vietnam?

Mr. BINGHAM. No, I don't agree with that. I think while this may be a stable government in the sense that it has been able to stay in power with U.S. support, I believe that this government is basically

not interested in a political settlement and has never really been interested in negotiations because it is in power and it feels that any step that would gamble on some future loss of power would be to its disadvantage.

So I think our chances of getting out with some semblance of the preservation of our objective, which is self-determination for South Vietnam, would be greatly enhanced by a government takeover in South Vietnam that would be prepared to enter into realistic negotiations, and I think that could happen. I am not advocating that we should involve ourselves in a new coup d'etat or anything of that sort as perhaps we did before. However, I think we could bring about a change if we were determined to pursue a course that would recognize the necessity of a change in government before any elections could be held, any ultimate elections.

Mr. GALLAGHER. My own reservation is that an unstable government in Vietnam at the present time would drastically hinder our getting out, which ought to be the main purpose at this time; that is to get out as fast as we can. But if we would have to nurse along a new government one way or another. I am afraid that the troop withdrawal program would be slowed down. That is one of the reservations I have.

Mr. Broomfield.

Mr. BROOMFIELD. Thank you, Mr. Chairman.

Mr. Bingham, there seems to be the implication in your statement that the President does not want to get the war over. I think the record is very clear and I think the President deserves some credit for removing better than 250,000 men since he took office. The program for withdrawal now averages close to 20,000 a month.

I am one who shares your feeling that we ought to have some kind of a resolution similar to the Mansfield resolution with a date certain, probably sometime after the first of the year. But I am wondering, even if Congress does pass such a resolution, with a stipulation that the prisoners of war would have to be released, and so forth, whether this would jeopardize our negotiations in Paris? How do you view that?

Mr. BINGHAM. First of all, I don't think it would jeopardize those negotiations. I think if it became the policy of the United States and presumably it could not become the policy of the United States until the President accepted it, the mere fact that it was incorporated in a resolution would not make it official and it would not be assumed so by the other side.

Let's assume the Congress made the recommendation and the President followed it and set the date, then I think it would greatly facilitate the negotiations in Paris. It would make it possible, first of all, for us to negotiate for and determine the good faith of the other side with regard to the prisoners of war. It would also, in my judgment, make Saigon much more likely to enter realistic negotiations because they would realize at the end of that time they would be on their own and they would have to face up to realities.

Let me make a brief reference to your first comment, Mr. Broomfield. I don't doubt for a minute that the President would like to see the war over. I don't doubt that for a minute and I do give him credit for withdrawing the troops he has and for deescalating the American involvement.

I give him for that. What I say and what I feel is that he is determined not to end the war, or he does not want to end the war at the price of a collapse of the Government in South Vietnam. I think that is the essential issue whether to end the war at the risk of collapse of the South Vietnamese Government.

Mr. BROOMFIELD. His consistent hope has been to give Vietnam a chance to succeed. How far that actually goes, I don't know.

Mr. BINGHAM. I notice that is the way he phrases it. After all of these years, after assistance to Vietnam in terms of material, training, in terms of economic aid, if they are not capable of going it on their own now, we are simply holding up a shell and I don't know why we would suppose they would be any more capable 6 months or a year from now.

I think what he really means to say is he wants some kind of assurance, and I have discussed this with some of the members of the executive branch, he would like assurance that the Government of South Vietnam will not fall if we set a date and do pull out. I don't think anybody can give him that assurance.

Mr. GALLAGHER. I think it ought to last at least until the day after we withdraw.

Mr. BROOMFIELD. I have no other questions, Mr. Chairman.

Mr. GALLAGHER. Mr. Murphy?

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Bingham, I congratulate you for your statement.

However, I would like to pursue the steps you break down—a termination date should be set for the following three reasons, and No. 2 you say, "the President's approach gives no chance to obtain the release of the American prisoners in the foreseeable future." Setting a withdrawal date would give us such a chance.

On what do you base that, Mr. Bingham?

Mr. BINGHAM. To take the first part of the statement, I don't see how we can get the prisoners out until we end the war and our involvement in the war. That has been the case with prisoners of war release throughout history. It seems to me unreasonable to expect anything different. I don't see that the President has a plan for ending the war, and he has never spoken, for example, of definitely putting an end to our air involvement. In fact, Mr. Laird suggested our air combat would continue if we got our ground combat troops out.

Since I don't think he has a plan for ending the war, a viable plan, because it always has this condition tacked on that South Vietnam must survive as such; therefore, I don't think he has a plan for getting the prisoners out.

As far as setting a withdrawal date and giving us a chance to get the prisoners out. I think I have put that in a mild way. I say it gives us a chance. I don't say it gives us assurance. We have colleagues who have talked to members of the other side in Paris and are satisfied that if we do set a date, withdrawal will actually takes place.

I have no assurance that will happen, but I think that we can only speculate about that until we do get a withdrawal date.

I have never at any time suggested that our withdrawal should be regardless of what happened to the prisoners. I have never suggested that. I have always felt it must be contingent upon the release of the prisoners. That being so, if we are willing to get our troops out in re-



turn for getting our prisoners out, in effect I think they have a motive for giving up the prisoners.

I don't know why they would want to keep them. It is an expense and all of the rest of it. I think we have something, in other words, there to trade with, but I very carefully did not say that I think we have an assurance of getting the prisoners out if we set a terminal date.

Mr. MURPHY. Have you heard this proposition, which was advanced to me by a member of the administration?

The idea is that we would withdraw increments of troops, say, at the 25,000 level, and receive the agreement on the part of the North Vietnamese to release an equal number of prisoners—a kind of quid pro quo, and testing of each other's good faith?

What do you think of that suggestion?

Mr. BINGHAM. That approach is proposed in the legislation, not before this subcommittee but before another subcommittee by Mr. Leggett and a number of others. In that particular bill, I think the arrangement is too complex and attempts to be too specific to be viable and, for that reason, I have not supported that resolution.

In the last paragraph of the Mansfield resolution, there is a very definite statement that it contemplates the withdrawals be phased one to another, so as to encompass that general idea, and that we would not withdraw the last of our troops until all of the prisoners are out.

Mr. MURPHY. Thank you, Mr. Bingham.

Those are all the questions I have, Mr. Chairman.

Mr. GALLAGHER. Mr. Whalley?

Mr. WHALLEY. Thank you, Mr. Chairman.

Congressman Bingham, you said in coming to Congress in 1965 you urged hearings at that time on the war. What were your personal opinions at that time when the war was just being greatly accelerated?

Mr. BINGHAM. I was very unhappy about it, Mr. Whalley. It is hard to reconstruct exactly, but I was very unhappy about what was happening. I felt it was very important to get negotiations going. I felt then as I do now that this war would be solved only by political settlement and it could not be solved in a military way, by a military victory.

By the end of the following year when I went to South Vietnam, I had confirmed that conclusion, and I felt that this was the view of most of the people that I talked with in Vietnam. I remember having a conversation with General Wo in Vietnam in which he said this war will not be won with bullets. That was very strongly my feeling.

I did not come to all of the same conclusions that I have come to since. It was sort of a gradual deepening of my despair about the war, but I was unhappy about it from the time I first came here.

Mr. WHALLEY. On page 1 you say, "Mistakes we made go all the way back to 1945."

Would you care to mention a few of those errors so we might not make the same mistakes again?

Mr. BINGHAM. I would be happy to.

First of all, in 1945 I think the most important mistake of all was made when we permitted the French to go back into Indochina. President Roosevelt said on a number of occasions that he would not permit the French to go back into Indochina. He felt they had not done a good

job in administering that colony and the whole of Indochina should be independent. By the end of the war, President Roosevelt was dead and President Truman was not apparently as keenly alerted to the problem.

The French moved very fast and before we almost knew it, they reasserted control. Then we found ourselves in a position of supporting the French to hold on, which identified us from the beginning with the image of a colonial power and I think to a degree we still have that image that the French were a colonial power and we have sort of taken their place.

I think we got too much involved in the hostilities in the middle 1960's, the later 1960's. I think it was a great mistake in 1965 to send in ground troops. I think this is something we always thought we would avoid and would not get involved in a ground war in Asia.

I think the beginning of the bombing of the North was a mistake. It did not achieve its objectives. I think it only stiffened the opposition, so I think these are some of the mistakes that were made and you will notice that they were made by a Democratic President.

Mr. WHALLEY. Thank you, sir.

Mr. GALLAGHER. Thank you, sir.

Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. Bingham, going back to the Mansfield-type resolution that envisages pullouts following prisoner exchange, which is the kind of thing you favor. One of the problems I have with these fixed-date resolutions is I foresee yet another crisis of confidence, if you will, within the United States should one of these dates approach, should most of our troops be out, and should the North Vietnamese at that time stop and refuse to go forward with the prisoner exchange.

Now let me ask you the hard question: If we agreed to a resolution of this kind, if we said, "All right, we are starting to take our troops out and 60 days from now you will start prisoner exchange." If they did not start, would you be willing to vote in the Congress to stop taking American troops out?

Mr. BINGHAM. I know of your concern with this matter, Mr. du Pont, and I share your concern. I think it is impossible at this stage of the game to say what any of us would do in that circumstance. I could certainly not be in favor of walking away from the prisoners and forgetting about them, but I don't think we can tell at this stage just what we would do or not do.

I think we would have to reexamine the situation. I personally believe that if we do set a date, it will lead not just to negotiations with regard to the release of the prisoners, but with negotiations for a political settlement, and in the long run I think this is even more important. It does not have the impact of the other question emotionally, but in the long run I think this is more important.

I have a certain amount of supposition that a political settlement could be arrived at.

Your question basically is one of the type that President Roosevelt used to call an "iffy" question, and I think it is impossible to answer in advance.

Mr. DU PONT. If we are suggesting to the President and to the country that we ought to enter into a binding agreement, dependent upon

performance by the other side; and if we are not willing to stick to our guns—which is the implication of an answer that says we have to “reexamine,” then we are not really doing anything at all.

Mr. BINGHAM. I have said that I have never favored a withdrawal unconditionally and without regard to what happened to the prisoners. I think that is a sufficient statement of what you are referring to. The essential nature of the resolution that I suggest this committee adopt is a setting of withdrawal date contingent on the release of the prisoners.

Mr. DU PONT. One other point, Mr. Bingham. You state as your third point in support of a fixed date that you believe negotiations would be forthcoming and that would be a step forward. I would hope that you are right, but if we could look back to your earlier views in 1965, you made some comments to the effect that you did not believe then if the bombing were stopped that the North Vietnamese would be willing to talk about anything.

Mr. BINGHAM. How is that?

Mr. DU PONT. In a speech on the floor of the House in 1965, May 5, you said, “There are some who maintain the Communists would be willing to enter into negotiations if the bombings of Vietnam were suspended, but there has been no evidence to that effect.”

In other words, in 1965 you felt if we stopped the bombing nothing would happen. Today you feel if we set a date, something would happen. My question is what do you think has happened to the North Vietnamese to make them less aggressive or more willing to negotiate, if you will?

Mr. BINGHAM. May I say, first of all, I am flattered by the degree of research you have undertaken, Mr. du Pont. I don’t recall that particular statement, but obviously at a later stage of what happened in Vietnam, we did have indications if the bombings stopped, the North Vietnamese would negotiate. So the statement that there was no evidence that they would negotiate might have been true in May of 1965, but not true, say, in 1967.

There certainly is evidence at least as far as the prisoner of war issue is concerned, no question about it, that this will be a matter for discussion if we set a terminal date, and there is some evidence not yet on the public record, although I understand Le Duc Tho came close to saying—close to that the other day in Paris. He said the only question would be the ways and means of getting the prisoners out.

As to whether other negotiations would result, that is a matter of subjective judgment. I would say undoubtedly there is a good deal of war weariness on both sides today which was not as true in 1965, nowhere near as true. The North Vietnamese have suffered tremendous casualties, a tremendous number of deaths, and it is my judgment based on conversations with men who have been close to the North Vietnamese in terms of negotiations that they really would welcome a political settlement if it incorporated the idea of some sort of interim government before elections that would not be simply a Thieu government or a successor to it, so I think there would be a good chance of negotiation there.

I can’t conceive that the North Vietnamese expect that once the U.S. troops are out, South Vietnam is going to collapse and fall into their



hands. I know some people believe this is the case. I don't happen to believe that.

We put a tremendous amount into strengthening the South Vietnamese over all of these years and I don't believe that would happen. So I think they would have an incentive to negotiate.

On the other side, as I indicated, Saigon would have much more incentive to make a realistic settlement than they have had up to now when we appeared to be ready to support them indefinitely. Those are the reasons why I think we would have a better chance for a political settlement.

Mr. DU PONT. Thank you.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Halpern.

Mr. HALPERN. Mr. Chairman, I believe the colloquy has covered most of the points I intended to raise, and in deference to the time factor and to the other witnesses waiting to be heard, I will forgo any questions at this time, but I do wish to commend and heartily compliment our capable and dedicated witness, my colleague from New York, on his well-reasoned, highly thought-provoking testimony.

Our witness, Mr. Chairman, is a pioneer in the quest for peace. Few members of this committee and of this House possess the credentials as our witness does in the efforts for peace, and I for one certainly appreciate his valuable contributions here today.

Mr. BINGHAM. Thank you very much, indeed.

Mr. GALLAGHER. It is nice to see you New Yorkers stick together. Thank you very much, Mr. Bingham.

Mr. GALLAGHER. Our next witness this afternoon is Congressman Paul McCloskey, Republican, of California.

Congressman McCloskey needs no introduction to any group considering the end of the war in Indochina. He has been speaking out forthrightly and vigorously against the war. Since coming to the Congress, Mr. McCloskey has distinguished himself as a dedicated legislator whose concern over events in Vietnam, Laos, and Cambodia has been expressed in all parts of our Nation.

We welcome you here this afternoon, Congressman McCloskey, and please proceed.

#### STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. McCLOSKEY. I will read only the first seven pages of my testimony and leave the remaining 20 for you to study at your leisure.

Mr. GALLAGHER. I think the subcommittee would be pleased to accede to that request.

Mr. McCLOSKEY. Originally I intended to testify before you today with respect to the Vietnam Disengagement Act of 1971, explaining the benefits of an end to our involvement in and over Indochina by December 31, 1971, conditioned solely upon the safe return of our prisoners of war. Arguments favoring this view already have been made by a number of our colleagues and, accordingly, I would like to limit my testimony today to an issue which is equally important, the obligation of the House to be fully informed by the executive branch on the great issues of involvement in the affairs of foreign nations,

either by covert CIA operations, as in Laos, or military intervention, as in Vietnam.

There is reasonable disagreement in the House over what our course of action in Southeast Asia should be. There should be no disagreement, however, on our need to know, indeed, our right to know, all of the facts which may bear on our ultimate decision.

It is true that Congress is not structurally suited or constitutionally mandated to participate in negotiation and day-to-day decisionmaking in intelligence and military operations. We do hold, however, the sole constitutional power, and I might add, constitutional responsibility, for providing for the common defense, declaring war, and funding the standing army, for a period not to exceed 2 years. We in the House of Representatives who must account to our constituents every 2 years—not 4 or 6—must initiate the revenue measures necessary to support the Nation's expenditures for war and foreign operations of every kind.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the control over decisions in matters of war and peace. We make the laws; the President as Commander in Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information. We should not permit a war to continue without complete information.

The recent excerpts from the Pentagon documents published in the New York Times and other newspapers illustrates forcefully that we have not met our constitutional obligations to keep fully informed. Who among the Members of the House was aware, for example, that country team members in Vietnam aided and encouraged the overthrow of Premier Diem in 1963?

Who among our Members knew the true facts of U.S. military and covert activity in and over Laos, and in the coastal waters of North Vietnam prior to the Tonkin Gulf incidents of early August 1964? Or the information that during October 1964, prior to the reelection of President Johnson over Senator Goldwater:

"Two of the teams (of U.S./South Vietnamese agents operating inside North Vietnam) carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol." This quote was taken from a State Department memo, dated November 7, 1964, for Assistant Secretary of State Bundy, and is noted to page H5107 of the Congressional Record of June 14, 1971.

If these facts had been known to the Congress, would it have affected subsequent votes on appropriations for Vietnam, or the approval of escalation of the war implicit in the House appropriations process?

What would have been the reaction in the House, for example, had we been fully informed in March 1965, before U.S. troops were sent to Vietnam, that our true goals in Vietnam were those described by Assistant Secretary of Defense McNaughton in a memo to Secretary McNamara in March 1965:

70 percent—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

20 percent—To keep SVN (and then adjacent) territory from Chinese hands.

10 percent—To permit the people of SVN to enjoy a better, freer way of life.

At the time that memorandum was written in March of 1965, I was on active duty with the Marine Corps at Camp Pendleton, Calif. We

were then engaged in "Operation Silver Lance," a counterinsurgency exercise designed to test concepts of U.S. contingency plans in the event U.S. troops were committed to Vietnam. At that time, and for some years afterward, I was under the impression that our aims in Southeast Asia were primarily to protect the South Vietnamese in their enjoyment of a better, freer way of life. Nearly all official U.S. Government announcements stressed this honorable goal.

Yesterday's Washington Post carried an excerpt from a State Department document entitled: "An Explanation of the War in Vietnam for Primary School Children."

So we decided to help the South Vietnamese people—that way we hoped to keep the war in Viet Nam from becoming a big war . . . we have done well and soldiers from the North are not winning anymore . . . if the Communists go back home to the North and leave the South alone, the war will end . . . if we take all of our soldiers out of South Viet Nam before the peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them.

What promise? Has the Congress ever made a promise to the South Vietnamese? And other than through our constitutional processes, which is the only way the SEATO treaty provides for military assistance, can anyone but the Congress promise military assistance?

Would this Nation have sent 50,000 men to their deaths had we been aware that 70 percent of our goal was the protection of America's reputation as a guarantor? Would we have chosen to become a guarantor had the choice been offered to the Congress?

Consistently throughout the Pentagon papers, which only yesterday were finally transmitted to the Congress, is the recurring reference indicating what information could be leaked to the Congress to obtain support, or prevent opposition to plans and programs that the Executive conceived to be in the Nation's best interests.

The papers also contain numerous examples of the thinly concealed assumption that Congress need not be consulted or informed with regard to the great issues of "providing for the common defense, declaring war or funding the standing army." And yet it seems to me that we in the Congress must confess that this executive branch attitude has been permitted to grow and flourish since World War II, as much by congressional acquiescence and abdication of the demand for full information as by arrogant denial of information to us by the executive branch.

I suggest that we have permitted this growing imbalance of knowledge between the executive and legislative branches by our acceptance of the denial of information in response to our reasonable requests.

We have had provision for Resolutions of Inquiry in the House rules since the inception of the Republic. This procedure, first used during George Washington's Presidency, was most recently employed over 20 years ago.

In title 5, section 2954 of the United States Code, we have a statutory provision:

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.



In view of this provision in the United States Code, consider one recent response of the administration to a fairly routine request for a Government report, made by a seven-member subcommittee of the House Government Operations Committee. The subcommittee requested a copy of this report which was allegedly adverse to the SST. The reply from Presidential Counsellor John Ehrlichman is set forth in full as follows:

Hon. HENRY S. REUSS,

*House of Representatives, Washington, D.C.*

DEAR MR. REUSS: This is in response to the letter of May 25, 1970, signed by you and six other members of the House Committee on Government Operations which, making reference to section 2954, title 5, United States Code, requests a copy of a report on the SST prepared in 1969 by a committee headed by Dr. Richard L. Garwin. As I advised you on May 20, 1970, the report constitutes an internal governmental memorandum of a confidential nature which cannot be released.

The language of the statutory provision on which your request is based unquestionably is rather broad. The legislative history of section 2 of the act of May 29, 1928, 45 Stat. 996, from which that provision is derived, however, indicates that its legislative purpose is narrow and that it does not support your request. See in this connection Kramer & Marcuse, "Executive Privilege—A Study of the Period 1953–1960," part II, 29 *George Washington Law Review* 827, 881–883.

The purpose of the 1928 act was to discontinue the submission to Congress of a large number of obsolete and useless reports, and to enable Congress to obtain the information contained in the discontinued reports if this should become necessary. See S. Rept. 1320, 70th Cong., 1st Sess., p. 4 and H. Rept. 1757, 70th Cong., 1st Sess., p. 6. 5 U.S.C. 2954 is thus designed to serve as a means for obtaining information theretofore embodied in annual routine reports to Congress submitted by the several agencies, rather than to compel the release of internal executive branch information such as the Garwin report.

I therefore regret that I cannot comply with your request.

Sincerely yours,

JOHN D. EHRLICHMAN,

*Assistant to the President for Domestic Affairs.*

The report in question was not made available to the Congress until December 1970, after both the House and Senate had voted to continue SST appropriations. Even then, the report was released only after a different House subcommittee forced the issue by holding hearings on the administration's refusal to comply with the public information requirements of the National Environmental Policy Act.

I cite the foregoing examples to illustrate the patterns of conduct and attitudes which have developed in the executive branch with respect to the release of information to the Congress. This administration, as has been the case with prior administrations, is desirous of obtaining congressional and public support for executive branch policies and programs. It does not have the right, however, to conceal information from us which is relevant to the law-making process. We in the Congress do not have the right under our constitutional obligations to allow this concealment.

Under the Constitution, article I, section 5, we are required to keep:

A Journal of our proceedings, and from time to time publish the same, excepting such parts as may, in our judgment require secrecy.

We are fully as capable of preserving secrets as is the executive branch, and the need for secrecy in the interest of national security is no excuse for our failure to demand all information from the executive branch which is relevant to our own immense responsibilities in matters of war and peace and foreign affairs.

At this point I would like to speak in support of the three resolutions of inquiry—H. Res. 492, H. Res. 493, and H. Res. 495—presently before your full committee for action. A fourth resolution, seeking the 47-volume Defense Department Vietnam task force study, "U.S.-Vietnam Relationships, 1945-67," is now moot in view of the delivery of the study to the House yesterday.

The three remaining resolutions refer to three areas of decision presently before the Congress:

1. Authorization and funding of the continuing U.S. efforts under the direction of the U.S. Ambassador in Laos (H. Res. 492).

2. Authorization and funding of the "Vietnamization" program in Vietnam, the target aspect of which, in 1971, is the Phoenix program (H. Res. 493).

3. Authorization and funding for the aerial bombardment in Northern Laos, an area unconnected with the protection of American lives in South Vietnam (H. Res. 495).

In all three of these areas the executive branch has been less than candid in advising Congress of the truth of our involvement and actions in the past, or of the nature of the programs planned for the future.

(The complete text of Congressman McCloskey's statement follows:)

STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman and members of the subcommittee, I had hoped originally to testify before you today with respect to the Viet Nam Disengagement Act of 1971, urging the benefits of an end to our involvement in and over Indochina by December 31, 1971, conditional solely upon the safe return of our prisoners of war. Arguments favoring this view already have been made by a number of our colleagues, however, and accordingly, I would like to limit my testimony today to an issue which is equally important, the obligation of the House to be fully informed by the Executive Branch on the great issues of foreign affairs, and particularly the intervention by the United States in the affairs of foreign nations, either by covert CIA-operated action as in Laos or military intervention as in Viet Nam.

There is reasonable disagreement in the House over what our course of action in Southeast Asia should be. There should be no disagreement, however, on our need to know, and our right to know, all of the facts which may bear on our ultimate decision.

It is true that Congress is not suited to negotiation and day-to-day decision making in intelligence and military operations. We do hold, however, the sole constitutional power, and I might add, constitutional *responsibility*, for providing for the common defense, declaring war, funding the standing army, but for a period not to exceed two years; we in the House of Representatives who face our constituents every *two* years, not four or six, must initiate the revenue measures necessary to support the nation's expenditures for war and foreign operations of every kind.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the controlling decisions in matters of war and peace. We make the laws; the President as Commander-in-Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information; we should not permit a war to continue without complete information.

The recent excerpts from the Pentagon documents published in the *New York Times* and other newspapers bring home to us most forcefully that we have *not* met our constitutional obligations to keep fully informed. Who amongst the Members of the House were aware, for example, that country team members in Viet Nam aided and encouraged the overthrow of Premier Diem in 1963?

Who amongst our Members knew the true facts of U.S. military and covert activity in and over Laos, and in the coastal waters of North Viet Nam prior to the Tonkin Gulf incidents of early August, 1964? Or that during October, 1964, prior to the re-election of President Johnson over Senator Goldwater, that "Two of

the teams (of U.S./South Vietnamese agents operating inside North Viet Nam) carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol."

(This quote was taken from a State Department memo, dated November 7, 1964, for Assistant Secretary of State Bundy, and is noted at page H5107 of the Congressional Record of June 14, 1971.)

If these facts *had* been known to the Congress, would it have affected subsequent votes on appropriations for Viet Nam, or the approval of escalation of the war implicit in the House appropriations process?

What would have been the House's reaction, for example, had we been fully informed in March, 1965, *before* U.S. troops were sent to Viet Nam, that our true goals in Viet Nam were those described by Assistant Secretary of Defense McNaughton in a memo to Secretary McNamara in March, 1965:

"70%—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20%—To keep SVN (and then adjacent) territory from Chinese hands.

"10%—To permit the people of SVN to enjoy a better, freer way of life."

At the time that memorandum was written in March of 1965, I was on active duty with the Marine Corps at Camp Pendleton, California. We were then engaged in "Operation Silver Lance," a counter-insurgency exercise designed to test concepts of U.S. contingency plans in the event U.S. troops were committed to Viet Nam. At that time, and for some years afterward, I was under the impression that our aims in Southeast Asia were *primarily* to protect the South Vietnamese enjoyment of a better, freer way of life. Nearly all official U.S. government announcements stressed this honorable goal. Yesterday's *Washington Post* carried an excerpt from a State Department document entitled: "An explanation of the War in Viet Nam for Primary School Children."

"So we decided to help the South Vietnamese people—That way we hoped to keep the war in Viet-Nam from becoming a big war . . . we have done well and the soldiers from the North are not winning anymore . . . if the Communists go back home to the North and leave the South alone, the war will end . . . if we take all of our soldiers out of South Viet-Nam before the peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them."

What promise? Has the Congress ever made a promise to the South Vietnamese? And other than our constitutional processes, which is the only way the SEATO treaty provides for military assistance, can anyone *but* the Congress promise military assistance?

Would this nation have sent 50,000 men to their deaths had we been advised that our goals were 70% the protection of America's reputation as a guarantor? Would we have wanted to *become* a guarantor had the choice been offered to the Congress?

Running throughout the Pentagon papers, which only yesterday were finally transmitted to the Congress, is the recurring reference to what information could be leaked to the Congress to obtain support, or prevent opposition to plans and programs the Executive conceived to be in the nation's best interests.

Running throughout the papers also is the thinly-concealed assumption that Congress need *not* be consulted or informed with regard to the great issues of "providing for the common defense, declaring war or funding the standing army."

And yet, it seems to me that we in the Congress must confess that this executive branch attitude has been permitted to grow and flourish since World War II, as much by congressional acquiescence and abdication of the demand for full information as by arrogant denial of information to us by the executive branch.

I suggest that we have *permitted* this growing imbalance of knowledge between the executive and legislative branches by our acceptance of the denial of information in response to our reasonable requests.

We have had provision for Resolutions of Inquiry in the House rules since the inception of the Republic. The procedure was first used in George Washington's time; it was most recently used over 20 years ago.

In Title 5, Section 2954 of the U.S. Code, we have a statutory provision:

"An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee."



And yet, consider one recent response of the Administration to a fairly routine request for a government report allegedly adverse to the SST. A seven-member subcommittee of the House Government Operation Committee requested a copy of this report. The reply from Presidential Councilor John Ehrlichman, is set forth in full as follows:

HON. HENRY S. REUSS,  
House of Representatives,  
Washington, D.C.

DEAR MR. REUSS: This is in response to the letter of May 25, 1970, signed by you and six other members of the House Committee on Government Operations which, making reference to section 2954, title 5, United States Code, requests a copy of a report on the SST prepared in 1969 by a committee headed by Dr. Richard L. Garwin. As I advised you on May 20, 1970, the report constitutes an internal governmental memorandum of a confidential nature which cannot be released.

The language of the statutory provision on which your request is based unquestionably is rather broad. The legislative history of section 2 of the act of May 29, 1928, 45 Stat. 996, from which that provision is derived, however, indicates that its legislative purpose is narrow and that it does not support your request. See in this connection Kramer & Marcuse, *Executive Privilege—A Study of the Period 1953-1960*, Part II, 29 George Washington Law Review 827, 881-883.

The purpose of the 1928 act was to discontinue the submission to Congress of a large number of obsolete and useless reports, and to enable Congress to obtain the information contained in the discontinued reports of this should become necessary. See S. Rept. 1320, 70th Cong., 1st Sess., p. 4, and H. Rept. 1757, 70th Cong., 1st Sess., p. 6. 5 U.S.C. 2954 is thus designed to serve as a means for obtaining information theretofore embodied in annual routine reports to Congress submitted by the several agencies, rather than to compel the release of internal executive branch information such as the Garwin report.

I therefore regret that I cannot comply with your request.

Sincerely yours,

JOHN D. EHRLICHMAN,  
*Assistant to the President for Domestic Affairs.*

The report in question was not made available to the Congress until December, 1970, after both the House and Senate had voted to continue SST appropriations. Even then, the report was released only after a different House subcommittee had forced the issue by holding hearings on Administration refusal to comply with the public information requirements of the National Environmental Policy Act.

I cite the foregoing examples to show the patterns of conduct and attitudes which have developed in the executive branch with respect to the release of information to the Congress. This Administration, as has been the case with prior administrations, is desirous of obtaining congressional and public support for executive branch policies and programs. It does not have the right, however, to conceal information from us which is relevant to the law-making process. We in the Congress do not have the right, under our constitutional obligations to allow this concealment.

Under the Constitution, Article I, Section 5, we are required to keep "a Journal of our proceedings, and from time to time publish the same, excepting such parts as may, in our judgment require secrecy." We are fully as capable of preserving secrets as is the executive branch, and the need for secrecy in the interest of national security is no excuse for our failure to demand all information from the executive branch which is relevant to our own immune responsibilities in matters of war and peace and foreign affairs.

At this point, I would like to speak in support of the three Resolutions of Inquiry H. Res. 492, H. Res. 493 and H. Res. 495, presently before your full committee for action. A fourth Resolution, seeking the 47 volume Defense Department Viet Nam Task Force study, "U.S.-Viet Nam Relationships, 1945-1967," is now moot in view of the delivery of the study to the House yesterday.

The three remaining resolutions refer to three areas of decision presently before the Congress:

(1) Authorization and funding of the continuing U.S. efforts under the direction of the U.S. Ambassador in Laos (H. Res. 492).

(2) Authorization and funding of the "Vietnamization" program in Viet Nam, the target aspect of which, in 1971, is the Phoenix program (H. Res. 493).

(3) Authorization and funding for the aerial bombardment in Northern Laos, an area unconnected with the protection of American lives in South Viet Nam (H. Res. 495).

In all three of these areas, the Executive branch has been less than candid in advising Congress of the truth of our involvement and actions in the past, or of the nature of the programs planned for the future.

I will detail these charges separately.

# I. THE U.S. COUNTRY TEAM OPERATIONS IN LAOS

We are not formally at war in Laos, and yet we have dropped more bombs there than in Nazi Germany in World War II. The U.S. Ambassador has control over all air strikes, and both B-52s and defoliation have been used in northern Laos where no American lives are at stake save for C.I.A. agents who are assisting forces of one Laotian faction against another.

Under the Gulf of Tonkin Resolution of August 10, 1964, the President was granted authority "to prevent . . . aggression" in Southeast Asia, not just Viet Nam. This authority was repealed by Congress, effective January 12, 1971, and the President has had no authority since that time to wage war in Northern Laos. His inherent authority as Commander-in-Chief to protect lives of U.S. personnel in South Viet Nam may extend to bombing operations along the Ho Chi Minh Trail in Southeastern Laos, but presumably the President's sole authority to bomb elsewhere rests in the discretion and control of the Congress.

I can find no public record of *any* House hearings on our C.I.A. and military operations in Laos, *either before or after the repeal of the Gulf of Tonkin Resolution*.

What is going on in Laos?

With reference to H. Res. 492 and 495, what has the Executive Branch been willing to tell us?

During the Congressional recess in April, Jerry Waldie and I went to Laos at private expense to try to learn what we could about U.S. involvement there.

The newspapers described Thai battalions as having been ferried to Northern Laos in U.S. planes to fight in defense of Long Thieng. Upon our request to go to Long Thieng, the U.S. Ambassador, T. McMurtrie Godley flatly refused. Premier Souvanna Phouma, in Ambassador Godley's presence, told us "There are no Thai troops in Laos."

One of the documents published in the recent New York Times article (See Page H. 5107, Congressional Record of June 14, 1971) quotes a State Department memo of November 7, 1964:

"Thai involvement. Hanoi claims to have shot down a T-28 over DRV territory on August 18, and to have captured the Thai pilot flying the plane. *Although the information the North Vietnamese have used in this case seems to be accurate*, it is not clear the pilot is alive and can be presented to the ICC. *The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL (Pathet Lao).*" (Italic added)

Is it not appropriate that the Congress be advised by the Administration as to Thai and other foreign armed forces operations in Laos? Can we justify to our constituents a failure to demand such advice?

With respect to CIA operations in Laos, it appears that everyone in the Orient knows more about them than does the U.S. Congress.

A number of articles have appeared in the press on this subject over a period of many years. In summary, the public which reads current publications may know more about CIA involvement in Laos than do we who authorize the CIA effort and appropriate the funds to support it.

With respect to U.S. armed forces operations in Laos, it was not until March 7, 1970, that President Nixon advised either Congress or the American people of the precise nature of our activities in Laos. Even then he was mistaken in at least one particular. "No American stationed in Laos has ever been killed in ground combat operations"—a report of The Library of Congress Legislative Reference Service on June 1, 1970 (DS552, 70-108 F "The United States and Laos") states: "At the time of President Nixon's Statement 27 Americans stationed in Laos had been killed by communist troops or listed as missing in Laos since 1962."

# II. BOMBING IN NORTHERN LAOS

As to bombing in Northern Laos, again the newspapers have reported to the public more than this Administration has been willing to tell the Congress.

On March 14, 1970, the Christian Science Monitor published an article by Daniel Southerland, which included the following commentary :

#### "AIR POWER REDIRECTED

"The correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

"After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter bombers in northeastern Laos over the past two years, and it is not a pretty one.

"After the United States halted its bombing of North Vietnam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

"This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in southern Laos.

"The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T-28s.

"In most areas of the plain, the bombings forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part of two years.

"In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pmongsavan. The refugees said the bombs flattened many villages in and around the Plain and heavily damaged others. They said no villages they know of escaped the bombing.

"The refugees said they were sometimes forced to leave their villages and bunkers to do portage—carrying rice and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages.

"Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

"There wasn't a night when we went to sleep that we thought we'd live to see the morning,' said one refugee. 'And there wasn't a morning when we got up and thought we'd live to see the night.'

"It was terrible living in those holes in the ground,' said another. 'We never saw the sun. Our hair was falling out.'

"My wife and three children were killed,' said a man in his thirties. 'there were no troops (Pathet Lao or North Vietnamese) anywhere near our village.'

"All this raises some basic questions about the bombings in northeastern Laos. What has been its purpose?

"It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

#### "PILOTS PLEDGED TO SECRECY

"The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions."

When Congressman Waldie and I attempted to inquire about the bombing in Northern Laos, the following chain of events occurred.

From perusing official U.S. documents prior to our arrival in Laos, we had learned that some 3,500 villages once existed in the northern and eastern portions of Laos which have been contested or under Pathet Lao control since 1962.

Of the 1,000,000 or so people who once lived in these villages, generally ranging from a population of 40 or 50 to several hundred, an estimated 700,000 had become refugees in the 9 years following the Geneva Accords of 1962.

We were further advised that in 1969 and 1970 we had dropped nearly 1 million tons of bombs in Laos, nearly twice the total dropped in 1967 and 1968 before President Johnson was succeeded by President Nixon.

We first visited the headquarters of the 13th Air Force in Thailand, and then went on to Vientiane. We were assured by both the Commanding General of the 13th Air Force, Major General Evans, and by Ambassador Godley in



Vientiane that we are not and have not bombed villages and that to their knowledge any villages that had been hit were hit by mistake. Ambassador Sullivan had testified before the Senate Refuge Subcommittee a year ago, indicating that only eight villages had been hit by mistake in the four and a half years he had served in Laos, terminating in March of 1969. Both Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the Ambassador, or by U.S.-Lao aerial fire control teams in O-1's.

On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking Country Team officials in the presence of both the Ambassador and Deputy Chief of Mission Montague Starnes that (1) we had not bombed villages except by occasional mistake, (2) no surveys of refugee attitudes had been made because of lack of staff, (3) bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes, and (4) neither the U.S. Royal Lao government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over five hours, and we were repeatedly assured of the validity of the foregoing four points. I think it is fair to say that Congressman Waldie and I went to bed that evening believing that we had been told the truth by sincere and dedicated men and that the rural villages of Laos had not been subject to deliberate U.S. bombing.

On the following morning, April 14, however, I found reference in my notes to a specific refugee study made by the political section of the Embassy in July 1970. A young political officer at the Embassy confirmed that a summary of refugee opinions *did* exist. He went with me to the office of Deputy Chief of Mission Starnes whom I asked to show me the document in question. Mr. Starnes picked a sheaf of paper off his desk, leafing through them, and finally handed them to me at my request. This report was entitled: "Xieng Khouang Province Refugees in Vientiane Plain," and dated July 10, 1970. The report summarizes the responses of over 200 refugees, from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from pages 5 and 6 of the report:

*"75% of 190 respondents said their homes had been damaged by the bombing."*

*"76% said the attacks took place in 1969."*

*"The bombing is clearly the most compelling reason for moving."*

Both the facts stated and the conclusions in this report, addressed personally to Mr. Starnes by the U.S. Information Service on July 10, 1970, are of course in square contradiction to the testimony furnished the Senate Refugee Subcommittee last year, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Starnes deliberately intended to give Congressman Waldie and myself a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful "briefing book" on refugees. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Starnes had called Mr. Albert into his office on the afternoon of the 13th (just *prior* to the dinner) and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, were the *only* such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U.S. Ambassador. The omission of this report from the so-called "briefing book" was clearly deliberate.

After finally obtaining possession of the reports in question at approximately 3:00 p.m. on the afternoon of April 14, we were able on the morning of April 15, to visit one of the refugee camps, Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the Ambassador as "unbiased."

We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T-28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorus; in all but one of the villages, the refugees had seen people killed by the air strikes, the most numerous being the village of Ba Phone Savanh, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous. In talking to the refugees, Congressman Waldie initially used Father Menger as an interpreter for the first five individuals interviewed. I used Rev. Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, save in one respect. The refugees interviewed by Congressman Waldie said, as interpreted by Father Menger, that Pathet-Lao soldiers were living in the villages at the time of the air strikes. The refugees with whom I talked, interpreted by Rev. Roffe and Mr. Wong, stated that the Pathet-Lao were situated some distance away from the village, with the closest soldiers being at least 500 meters away and generally as far as two or three kilometers away.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy.

Thereafter, all persons interviewed agreed that Pathet-Lao soldiers had *not* been living in their villages. Most important, Congressman Waldie re-interviewed one of the men who had first stated, according to Father Menger, that the Pathet-Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet-Lao lived in his village and that his earlier comments had been misinterpreted.

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet-Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were *ordered* to leave by the Province Governor. U.S. planes provided the airlift capability.

The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

With reference to the foregoing facts, it is clear that the Embassy officials, on the night of April 13 deliberately misled Congressman Waldie and myself in four particulars:

1. Although they denied it, non-accidental bombing *had* taken place in Northern Laos during 1969.

2. At least 76% of 96 small villages had been hit by such bombing.

3. Reports had been made and were in the possession of the Embassy, showing that bombing was clearly the most compelling reason for the refugees leaving their homes.

4. Some of the refugees had moved because of the direct orders of the Royal Laotian government, not voluntarily; transportation was furnished by U.S. aircraft.

It is clear that cluster bombs and white phosphorous were used against the civilian population of the country with whom the United States has not declared war. The bombing was done under the direction and control of the State Department, not the United States Air Force. Both the extent of the bombing and its impact on the civilian population of Laos was deliberately concealed by the State Department between the period July 10, 1970 when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by the Deputy Chief of Mission Stearnes in Vientiane.

### III. THE DEFENSE DEPARTMENT'S REFUSAL TO RELEASE PHOTOGRAPHS OR FURNISH LISTS OF LAOTIAN VILLAGES BOMBED

On April 13 and 15, I was privileged to meet with Major General Evans, Commander 13th Air Force, and on April 16 with Major General Hardin, Vice Commander, 7th Air Force. General Evans confirmed to me that the rules of engagement in Laos required that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in Northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24" square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he relied that he would first like to get permission for their release from his superior, General Clay, Commander 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure from Saigon at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from the Air Force Liaison office in Washington.

I did this by letter to Major General John C. Giraud, Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages in Northern Laos which had been hit by U.S. bombs since such bombing commenced.

I received no responsive reply to these requests, save for the delivery of 12 photographs of Laotian villages which were not included in the list of villages for which photographs were requested.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing is a matter which is still open to question. This question can be determined quite easily however, if the Defense Department will produce current photographs of these areas from its comprehensive files. The failure to produce these photographs, under ordinary rules of evidentiary law, can only be deemed to properly raise the inference that the villages have indeed been destroyed, contrary to the statements we received from State Department officials. Nevertheless, a few days ago, I received from the Department of Defense the following letter:

JUNE 11, 1971.

Hon. PAUL N. McCLOSKEY, Jr.,  
House of Representatives,  
Washington, D.C.

DEAR MR. McCLOSKEY: Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos. Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather;



those which have suffered identifiable military damage may have been struck by the enemy rather than by U.S. bombs: finally, even if it appears from current photography that U.S. bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicitly are challenging.

In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs. The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

DENNIS J. DOOLIN,  
*Deputy Assistant Secretary.*

To me this letter represents almost a classic example of executive branch attitude toward the Congress. In the Deputy Assistant Secretary's opinion, it is not "useful" to furnish photographs to an inquiring Congress.

Yet as early as 1964, the importance of photography of Laos was deemed of paramount importance to the Defense Department. The Joint Chiefs of Staff memo to Secretary McNamara of January 22, 1964, discussing "bolder actions" in Southeast Asia (Cong. Record of June 14, 1971, Page H 5100) mentions the need to:

"d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence."

A cablegram from Admiral Sharp to the JCS on August 17, 1964, (Cong. Record, June 14, 1971, page 5106) said:

"Continuous and effective pressure should be applied to the Communists in both the PDJ (Plain of Jars) and panhandle. Consequently concur in continued RECCE of DRV, panhandle and PDJ."

On November 7, 1964, a State Department Memo, apparently from Deputy Assistant Secretary Marshall Green to Assistant Secretary Bundy included the comment:

"We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span."

If photographs are so useful to the conduct of a war under the control and direction of the U.S. Ambassador in Laos, surely they might be useful to the Congress which determines whether or not to authorize and fund that war.

#### IV. THE PHOENIX PROGRAM

In our visit to Viet Nam in April, Congressman Waldie and I learned that the "Phoenix" or "Phung Hoang" program is the first priority effort in the 1971 pacification plan.

We were told that the Phoenix program is an American constructed concept for the neutralizing of Viet Cong infrastructure (VCI), the shadow Viet Cong government of mayors, police chiefs, tax collectors and rice gatherers. "Neutralizing" occurs through killing, capturing, rallying, sentencing by military courts or sentencing by Province Security Councils to the so-called "An-Tri" administrative detention.

The program was apparently commenced in 1967 with the specific purpose of eliminating the V.C.I. through assassination, ambush, and capture. The P.R.U. teams (Province Reconnaissance Units), Navy SEAL teams and C.I.A. personnel and employees were apparently the original means of eliminating suspected V.C.I., but more recently the major effort has shifted to the Vietnamese police and armed forces, assisted by C.I.A. and CORDS advisors.

This year, 1971, the Phoenix program has been made the priority program of pacification, and we are in the process of financing a 50% increase in the Vietnamese National Police, partly in order to expedite this program.

Neutralization goals for 1971 were said to be 1200 per month, or 14,400 during the year, of whom at least  $\frac{1}{2}$  were to be sentenced to confinement of at least one year.

American personnel advise the Phoenix program at every stage-identification and opening of dossiers on V.C.I. suspects, gathering of intelligence from military

operations, informers and police investigation, arrest and detention of suspects, including through U.S. military operations, interrogation of suspects, and finally, the sentencing of suspects by Province Security Committees.

In the first two months of 1971, we were advised by U.S. briefing officers in Saigon that the program is proceeding very successfully; 4502 VCI had been neutralized, nearly twice the assigned quota. Of these, 1629 had been killed, 1527 rallied, and 1346 sentenced. With an estimated 60,000 VCI in existence at the beginning of the year, this rate of neutralization, if continued, would wipe out nearly half the remaining VCI by the end of the year. Equally important, the war of terror was clearly being won by the government, since the VC, in the same two months had been able to neutralize only 2749 South Vietnamese through killing, abduction or wounding.

The comparative figures for January and February, 1971, which were given to us were as follows:

	VC Terror	US,SVN Phoenix neutralization
Killed.....	699	1,629
Abducted/rallied.....	722	1,527
Wounded.....	1,328	.....
Sentenced.....	.....	1,346
Total.....	2,749	4,502

Thus, we were winning the terror—counter-terror battle by almost 2 to 1.

We were pleased to learn also that Americans are not authorized to participate in assassinations, and that Americans who found the police-type activities of the program personally repugnant could apply for reassignment without prejudice. These provisions are found in Directive Number 525-36 from MACV headquarters, dated 18 May, 1970, a copy of which is appended to this statement as Exhibit 1.

We were likewise pleased to find that the U.S. Government recognized a legal obligation under the 1949 Geneva Convention to extend protection to the Vietnamese civilians apprehended under the Phoenix program, and a further responsibility to work with the government of South Viet Nam to see that all such civilians were treated in accordance with that convention.

A copy of the letter of our Ambassador of the U.S. Mission to International Organizations, Mr. Idar Rimestad, dated December 7, 1970, containing the assurance that we and the South Vietnamese are working together to ensure fulfillment of their responsibilities (under Article 3 of the 1949 Geneva Convention) is appended as Exhibit 2 hereto.

We were not so pleased, however to learn that the United States is *not* working together with the Vietnamese to provide reasonable protections to persons accused of being VCI.

Specifically, Article 3 of the 1949 Geneva Conventions, prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, *affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*" (Emphasis added.)

A copy of Article 3 is appended as Exhibit 3 to this statement.

Under the Phoenix program, the "regularly constituted court" is the Province Security Council, usually made up of 7 individuals, 6 of whom represent either the military or the Police, and who can convict:

"Where evidence for trial is lacking but it is apparent that the suspect is a threat to the national security."

Confinement by such sentence is limited to two years, but can be extended at the sole discretion of the province chief, usually a Lieutenant Colonel in the South Vietnamese army.

The rules of evidence and description of the program are set forth in excerpts from one U.S. pamphlet on Phoenix which are appended as Exhibit 4 to this statement.

It might be well questioned whether the Phoenix program affords all the judicial guarantees which are recognized as indispensable by civilized people. Certainly we do not afford the VCI suspects the guarantees of our own system. A suspect has no right to counsel, to confront and examine his accusers, to see

the evidence against him, or even to appear or testify on his own behalf. He can effectively be sentenced to life imprisonment on hearsay evidence given by secret informers under a test of proof which expressly concedes it would be insufficient to convict upon trial.

This is an almost incredible perversion of American concepts and traditions of justice, but the worst aspect of all is the interrogation process.

Upon apprehension of a suspect, upon information deemed too flimsy to even meet the "apparent threat to the national security" test, the suspect can be turned over to the tender mercies of the South Vietnamese interrogators at the Province Interrogation Center (PIC). The interrogators have until 46 days from his arrest to obtain a confession or other evidence sufficient to establish the "apparent threat" rule. No Americans sit in on these interrogations, which are conducted in isolation cells with the prisoner blindfolded and a single Vietnamese interrogator present.

It is apparently common knowledge in Viet Nam that torture and brutality are commonplace in Vietnamese interrogations. Two American officers told us that they had seen rubber hoses in the possession of Vietnamese interrogators.

When I asked one American pacification officer if the 46 day period of interrogation was not unreasonable, he replied "we've never had to interrogate anyone for 46 days—they're all broken and confessed in 30 days."

After visiting the P.I.C. in Binh Dinh province, I could better understand why. It was constructed inside an abandoned school. False walls had been constructed so as to leave the observer with the impression that the school building was empty and abandoned. Along a central corridor were 24 5' x 7' cells on one side, with only a small 12" slit at the top to admit air. On the other side of the corridor were slightly larger interrogation cells. A 10' wall surrounded the building, with a steel gate that hid the view from outside except when it was briefly opened to admit our automobile, and then immediately closed.

Americans generally followed a hands-off policy towards these PIC's—in several provinces we were told that Americans never went near them. One officer told us he thought the C.I.A. ran the local PIC, and on inquiry we learned that the PIC's were not in the CORDS chain-of-command at all, but were advised solely by the C.I.A. With PIC's in 44 provinces, and less than 25 C.I.A. advisors in the program, it is fairly clear that the interrogations are conducted with little U.S. supervision that might "ensure fulfillment" of our responsibilities under the Geneva Conventions.

Congressman Waldie was shown a Phoenix document called SOP-3 which was then taken back by the briefing officer involved.

SOP-3 contained the following comments:

(Intelligence about fellow citizens) is not only of immediate value, but also will be needed in the future in any *postwar* political struggle with the Viet Cong. (Emphasis added.)

(In describing whether a man should report his neighbor) Those who act suspiciously: (a) the hesitation or fearful attitude of a dishonest person; (b) contact with those whom we suspect; (c) regular secret colloquies of a certain group of people in the area.

The possibilities of this type of program for the repression of political opposition and dissent are obvious. Fear of such repression was expressed to us by several Vietnamese, and the whole record of repression, torture, corruption, seizure of newspapers and arrest of political opponents under the present Saigon regime is very disquieting.

At the very least, I think Congress should insist of full disclosure by the Administration of the English and Vietnamese documents which describe and concern this first-priority pacification program of 1971.

Thank you for the opportunity to testify today.

#### EXHIBIT I

U. S. MILITARY ASSISTANCE COMMAND, VIETNAM,  
APO San Francisco, Calif., May 18, 1970.

Directive Number 525-36.

#### MILITARY OPERATIONS—PHOENIX (PHUNG HOANG) OPERATIONS

Purpose: This directive establishes policy and responsibilities for all US personnel participating in, or supporting in any way, PHOENIX (PHUNG HOANG) operations.



2. Applicability: This directive is applicable to all MACV staff agencies and subordinate commands.

3. Policy:

(a) The PHOENIX Program is one of advice, support, and assistance to the Government of Vietnam (GVN) PHUNG HOANG Program, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

(b) Operations against the VCI include: the collection of intelligence identifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them if no other way of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the VCI. US personnel are under the same legal and moral constraints with respect to operations of a PHOENIX character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

(c) If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

(d) There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the PHOENIX Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

4. Responsibilities: Subordinate US commanders are to insure that the policies outlined above are strictly adhered to.

5. Reports: This directive requires no report.

W. G. DOLVIN,  
Major General, U.S. Army,  
Chief of Staff.

---

EXHIBIT II

U.S. MISSION TO INTERNATIONAL ORGANIZATIONS,  
Geneva, Switzerland, December 7, 1970.

MR. MARCEL NAVILLE,  
President, International Committee of the Red Cross,  
Geneva, Switzerland.

DEAR MR. NAVILLE: Thank you for your letter of August 31, 1970 containing further observations on the application of the Fourth Geneva Convention of 1949 (Civilians) to Vietnamese civilians captured by United States forces in the Republic of Viet-Nam. On behalf of my Government, I would like to present the following comments.

With respect to Article 45 of the Convention and to the quotation from Pictet's commentary to which we referred in our letter of January 20, we appreciate your observation that the quotation applied directly to repatriation of protected persons after the cessation of hostilities. However, we believe that a transfer at any time of a protected person to the power of which he is a national should be sufficient to terminate his status as a protected person.

In our view, the Convention was not designed to give "protected person" status to individuals vis-a-vis their own government.

We note that the Convention provides in Article 4 that "nationals of a co-belligerent state shall not be regarded as protected persons while the state of which they are nationals has normal diplomatic representation in the state in whose hands they are." That provision would seem to cast considerable doubt on the entitlement of South Vietnamese civilians captured by U. S. forces to protection as "protected persons" even while they are in the custody of the U. S. forces. In any event, we see no necessity to resolve these difficulties, for we note the view stated in your letter of August 31 that in view of the special situation of these persons in Viet-Nam the humanitarian requirements of Article 3, rather than the Convention as a whole, express the minimum applicable standards. In this connection, in our letter of January 20, 1970, we stated "The United States Government recognizes that South Vietnamese civilians captured by it and turned over to the Republic of Viet-Nam are entitled to humanitarian treatment as described in Article 3 of the Fourth Geneva Convention of August 12, 1949 (Civilians). We are informed by the Government of Viet-Nam that they share this view."

With respect to South Vietnamese civilians captured by U.S. forces and transferred by them to the authorities of the Republic of Viet-Nam, the United States Government recognizes that it has a residual responsibility to work with the Government of the Republic of Viet-Nam to see that all such civilians are treated in accordance with the requirements of Article 3 of the Convention. The United States and the Government of the Republic of Viet-Nam are working together to ensure fulfillment of their responsibilities.

With respect to the question of ICRC visits to Vietnamese prison facilities, the United States Government has in the past made known to the Government of the Republic of Viet-Nam its view that it would be helpful for your delegates to be able to visit such facilities in the same manner they are able to visit prisoner of war camps. We have noted the announcement by the Office of the Prime Minister of the Republic of Viet-Nam on July 10, 1970, stated: "The Government of the Republic of Viet-Nam solemnly affirms once again that its policy is to give humane and decent treatment to all prisoners, whether military or civilian, and to strictly observe the international agreements on prisoners, such as the Geneva Conventions (as has already been shown in the past). The Government of the Republic of Viet-Nam is always prepared to assist qualified international institutions which may wish to make on-the-spot visits to its correctional institutions and prison camps."

Sincerely yours,

IDAR RIMESTAD, *Ambassador.*

### EXHIBIT III

#### GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

#### PART I—GENERAL PROVISIONS

##### Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

##### Article 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in

their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies to the provisions thereof.

### Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particularly humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

### Article 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

### Article 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial proscribed by the present Convention. They shall also be granted the full rights



and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

#### Article 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

#### Article 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, to restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements or where more favorable measures have been taken with regard to them by one or other of the Parties to the conflict.

---

### EXHIBIT IV

#### AN ANALYSIS OF PROVINCE SECURITY COMMITTEE

##### BACKGROUND

*Province Security Committees (PSC) were created in 1957 to provide the GVN with an administrative method of settling the statue of political detainees considered threats to the national security. Their purpose is political; their method is administrative of these persons reasonably believed to endanger the national security, but against whom sufficient evidence for a trial is lacking.*

##### COMPOSITION

Province Chief (PC), Chairman.  
 Judge Prosecutor, Deputy Chairman.  
 Sector Commander (presently same as PC), Member.  
 Chief of Internal Security, Briefing Officer  
 Council Member, Member.  
 Police Chief, Member.  
 M. S. Chief, Member.  
 Phung Hoang Committee Member; Member.

It is not unusual to find committees with membership as high as thirteen. Such committees include representatives of all agencies concerned with Phung Huang. In some provinces all districts are represented on the POC.

##### MEETINGS

GVN MOI Circular No. 2212 requires each PSC to meet *weekly*, or more often if necessary. In practice, the norm to be used is the existence of a backlog awaiting a position. If cases are being heard within 30 days, there is no need to insist on weekly meetings. Conversely, if weekly meetings result in a continued backlog, more frequent meetings are in order.

## PROCEDURE

Suspect detainees may appear before the committee but do not have the right to demand such appearance. Due to the administrative nature and political mission of the PSC, procedures are far less exacting than those of the courts. All members of the PSC, procedures are far less exacting than those of the courts. All members of the PSC may examine the detainee dossiers before the hearings and request clarification of any questionable area. The local judge acts as advisor to the committee. During an administrative screening he assures that the cases are proper for presentation and all administrative formalities have been adhered to. The Chief of Internal Security acts as Briefing Officer and is responsible for recommending the type and duration of detention. He is the person most involved in determining adequate detention. Along with the PSB Chief, he has received special training at a two-day seminar in Saigon on the sentencing procedure of GVN MOI Circulars No. 757 and 2212. Although the Chief of Internal Security is probably the official most responsible for the type of sentences given by the PSC, he remains an unknown force within the committee. He is lacking an American counterpart and has little to do with Phung Hoang outside the PSC. In many cases there is an urgent need to educate these Briefing Officers to the urgency of complying with the guidance provided in 757 and 2212. The Chief of Internal Security should not be an unknown factor in VCI sentencing. It is the obligation of the PHOENIX Coordinator to advise his counterpart of this situation, and with his counterpart, determine what the Chief of Internal Security considers to be necessary to have a dossier which is sufficient for him to recommend maximum "an-tri" detention.

## COURSES OF ACTION AVAILABLE TO THE PROVINCE SECURITY COMMITTEE

*Release*

Naturally, the committee may release suspects found to be innocent. This criteria would also apply to all those suspects whose dossiers do not indicate that the individual is "*probably*" a threat to the national security. In other words, the PSC does not "reasonably believe" that the suspect is a threat to the national security. [*Italic added.*]

*Recommend trial by military court*

If there is clear evidence of a violation of the national security laws, or if the suspect was apprehended in the act of committing an offense against the national security, the case must be forwarded to the appropriate Military Court. This Court will try and sentence the suspect. This particular function of the PSC is similar to that of a Grand Jury.

*Detention*

Where evidence for trial is lacking, but it is apparent that the suspect is a threat to the national security, the committee may impose administrative ("an Tri") detention. This is a type of preventative detention to protect the state from a known threat to its security. There is the additional provision of continual extension of two year terms if the individual remains a threat to the national security. "An Tri" detention is nonjudicial and administrative in nature. A violation of the national security laws need not be proven; all that must be demonstrated is that a reasonable belief exists that the suspect threatens the national security. Once "an tri" detention is imposed there are no judicial remedies. The duration and place of detention are governed by GVN administrative regulations.

*Summary*

The PSC has three courses of action available: (1) it may release the innocent, (2) act as a type of grand jury in forwarding violators of the national security laws to a Military Court, or (3) impose administrative detention upon those individuals whom the PSC reasonably believes to threaten the security of the nation.

## BASIS OF DETERMINATION

The purpose of the PSC is to protect the State from those persons threatening its existence. Thus its power goes beyond that of the courts into the area of emergency political detention necessitated by the need of the State to survive. There is no defined burden of proof, as utilized by courts, because the committees are not engaged with violators of law. The committee is concerned with those

cases which, due to a lack of evidence, cannot be presented under existing judicial standards. Rather than a judicial determination, these cases call for an administrative determination. The decision of the committee is based on a prosecution dossier. There is no rigid rule regarding the amount of evidence necessary for detention, and the criteria may vary significantly from province to province. Each committee determines the existing threat to national security based on conditions within the particular province, and the function of the detainee within the VCI. This process, because it is administrative and political in nature, reflects the political "facts-of-life" in the province. It is incumbent upon each PHOENIX Coordinator to determine these local variances and tailor his advice accordingly. The PSC does not need evidence of the type required by a court; on the other hand, a dossier which contains nothing but an interrogation report cannot be expected to convince the committee that a maximum detention is warranted. What is necessary is sufficient intelligence to reasonably indicate that the suspect is a threat to national security. Thus the test applied by the PSC is not one of proven guilt. This is the distinguishing factor between the PSC and a Military Court. The court is concerned with guilt beyond a reasonable doubt, or the existence of a proven violation of national security, whereas the PSC is concerned with preventing danger to the State by a suspect who appears to threaten the national security. The Military Court is punitive; the committee is preventative in nature.

#### COMPARISON

<i>Province Security Committee</i>	<i>Military Court</i>
Administrative body.	Judicial body.
Founded in the right of the State to survive.	Founded in law.
Political hearing.	Trial by law.
Threats to security.	Violations of law.
Protective detention ("an tri").	Sentence.
Maximum 2-year renewable sentence.	Maximum death.
Reasonable belief of threat.	Guilt beyond a reasonable doubt.

#### OBSERVATIONS

1. The PSC's are, by definitions, political tools, and are governed from province to province by the political "facts-of-life."

2. PSC existence is extra-constitutional and non-judicial, based upon the right of a State to survive.

3. These committees, although in possession of power to administratively detain anyone reasonably believed to threaten the national security, have acted with remarkable restraint.

4. The nature of these committees, and their strictly political function, dictate a "hands-off" policy by all US personnel and agencies.

5. U.S. advisors, specifically PHOENIX Coordinators, should direct their efforts to insure that their counterparts provide the PSC with the necessary evidence for the committee to reach an informed decision. This evidence should be in accordance with the minimum considered necessary for detention by the Chief of Internal Security. Additional emphasis should be placed upon providing the committee the type dossier specified by GVN MOI Circular No. 2212 and Phung Hoang SOP 3. If all available intelligence is in the dossier, an informed, intelligent, and equitable decision can be rendered.

6. The varying quality of dossiers presented to the committee has caused an imbalance in proof, resulting in reliance upon the interrogation report to the exclusion of the Phung Hoang dossier. In far too many cases, the quality of the dossiers provided to PSC's can only be described as poor and incomplete. It is advisable for both PHOENIX Coordinators and their counterparts to screen the dossiers before they leave the PLOCC: if this is accomplished regularly, a comparison can be made between the amount of evidence presented to the committee, and the relative decisions reached by the committee. Thus, by reviewing the decisions of the PSC, in conjunction with the dossiers presented to the PSC, the PHOENIX Coordinator and his counterpart can determine what type of dossier the committee considers to be sufficient for detention.

7. Guidance had been provided to the PSC's in CVN MOI Circulars No. 757 and 2212. Utilization of this guidance, coupled with an understanding of the political realities of the province, will provide the coordinator with an understanding of dossier deficiencies. The critical official to satisfy is the Chief of In-



ternal Security, the second most influential member (after the Province Chief) of the PSC. The Chief of Internal Security is the central figure in determining what burden of proof the committee adheres to, as it is his recommendation which usually determines the duration of detention. It is essential to determine what minimum content a dossier must contain to conform to his standards.

MR. GALLAGHER. Thank you, Congressman McCloskey.

I might say the Resolutions of Inquiry are on the agenda for the full committee tomorrow morning. I want to thank you, too, for a fine statement. You meet no opposition from the Chair in the need for bringing Congress into a better sense of balance with the executive branch. In fact, for many years, I have been advocating the view that unless Congress does bring itself back into balance, perhaps our most important function will be having our picture taken out on the Capitol steps with graduating classes.

So, I would hope that there is a lesson we will learn from Vietnam. That is that Congress not only has a very strong responsibility in this area, but Congress has to update itself so that we have a source of expertise in our own hands to make proper inquiries, some of which you have pointed out here.

We in the Congress talk about a balanced government, but our Government at the present time is in imbalance because of the very development of power in the executive branch following World War II, as you have pointed out.

So, if there is any good that may come out of Vietnam it may well be that the Congress itself will take a hard look at what its responsibilities are and whether or not we are going to be a relevant body as we slide into the twilight of the century.

Congressman McCloskey, the war naturally causes the greatest distress to all of us, and we appreciate your informed and extremely interesting statement.

I suppose the job that this subcommittee has boils down to whether we can expedite the withdrawal of American troops by insisting that the President meet a deadline he says will hinder his negotiators in Paris and threatens to frustrate the return of American prisoners of war.

My gravest doubt about a date certain is that such a congressional initiative would not help but be interpreted in some quarters both here and abroad as an attempt to reduce the flexibility of the President. Events may occur inside Vietnam which would make it impossible for a President to comply with the congressional dictates.

For example, what do you see happening to the last few thousand American troops in Vietnam if the other side knows that the President is bound not even to defend those troops, if the other side should get rather nasty and impose the humiliation in Mr. McNaughton's "one man's opinion." But if we were to pass an iron-clad date certain for American withdrawal, thus eliminating American options, what assurances do we really have that the other side would allow such a graceful, bloodless disengagement? This is one of the troublesome things, Mr. McCloskey, about binding the President's hands.

One of the things you pointed out was that the Congress was never aware of the escalation preconditions. I think several members sitting here were engaged in violent arguments with the executive branch during the days when the pressures were building up to get rid of Diem. It was said, with some justification, that he was repressive as well as

a number of other things. But the fact is we were not there in force. I remember all of the editorials of those days denouncing him—which we all agreed with—but I am sure now even the ADA would give Diem, Madam Nhu, and his brother an endorsement if we could get American soldiers back and end the war.

Mr. McCloskey, the question of inflexibility is one that bothers us, especially if the other side is nothing but nasty to us on our way out. One of the things the previous administration was always concerned with was that American public opinion might demand a very strong response, even a limited nuclear response, if a slaughter of American troops was about to take place. I would like to have your feelings on that, Mr. McCloskey.

Mr. McCLOSKEY. If I may speak as a military officer rather than as a Member of Congress, I have been in Vietnam three times. I was there in 1965 when we made a study of the trends and problems involved. It is my judgment—and my judgment could be in error—that there is no risk to American troops from a gradual disengagement over a period of 6 months to a year, provided that such disengagement is carried out with attention to the protection of the troops themselves. If there is any danger to the American troops in the withdrawal process, or American personnel, I fear that it is far more likely to result from an upheaval within the South Vietnamese Government than from the enemy forces of the Viet Cong and the North Vietnamese.

As I last saw it the present order of battle in the 44 provinces of South Vietnam was that there were approximately 100,000 Vietnamese regular forces primarily scattered throughout the northern and central jungle regions of the country, plus, at the most, 40,000 Vietcong irregulars—a total of 140,000 enemy troops ranged against approximately 1.9 million South Vietnamese troops plus about 240,000 Americans.

Now, at one time, we considered a 10 to 1 numerical superiority of friendly troops against the enemy's necessary in a guerilla-type war. But this war has gradually evolved from a guerilla type war which we have won, to a war between enemy main units and the South Vietnamese main units with some American participation. There is no reason whatsoever why the South Vietnamese cannot take care of themselves. As reports indicate, they are well-equipped, they are led well, and they can provide a substantial screen, in fact, a very excellent screen, against the danger to American troops as they withdraw.

If we kept American troops out at Pleiku and Dak To and some of the advanced places near the DMZ, they would be in danger of encirclement and isolation if the North Vietnamese committed some of the 50,000 or 70,000 or 120,000 troops in the DMZ area. But the ability to commit troops rapidly against withdrawing American forces is no real danger whatsoever. There is no danger of a Dunkirk in South Vietnam from a steady and orderly disengagement of American troops. I would presume that disengagement would involve coastal enclaves like the Da Nang, Cam Ranh Bay, and Saigon areas and the final parts of the disengagement should take place from those ports where the massing of American firepower and troop strength would be overwhelming.

The North Vietnamese have not been able to mass more than five or 10 people in a rice paddy without having them obliterated by the tremendous firepower we have from the Tonkin Bay and the Yankee

station carriers and airpower based in Thailand. Certainly that airpower would be retained to give firepower to support withdrawing American troops, and this should furnish an absolute guarantee to their safety.

The other point I wanted to make, however, is if in the process of withdrawal there was a rebellion within South Vietnam itself, and throughout South Vietnam resulting from the Vietcong infiltration of the South Vietnamese Army and police units, then it would be fairly simple child's play for the enemy, as part of the South Vietnamese forces, to take out of action the American civilian and military personnel presently scattered throughout the country. In my view, that would be a real danger in a position that does not take into account the possibility that American withdrawal might be attended by a South Vietnamese rebellion.

Mr. GALLAGHER. What you point out as a military officer is true. That is one of the hesitations I have with a fixed-date withdrawal resolution, however. A screen is always contingent on a certain element of mystery, it would seem to me. It is always nice when you are withdrawing to hide exactly when you are. I recall when I was a little boy and I pushed a rifle company around in General Patton's army that it was far more difficult when they announced on the radio that he was not going to have any more gas and the enemy knew we had to turn around. It was far more difficult and the casualties were far greater coming back then when we had been on the offensive.

So, I agree with you that all of those things could happen. The shield and screen should be the South Vietnamese Army. But if we say March 21 or June 21, I wonder whether that in itself sets up a new condition that creates hazards for the remaining forces that may be a screen and the American combat group the President is trying to get out. That is one of my reservations.

What is your feeling when it gets right down to the crunch when it comes to whether or not we should support the Government up to the time that we withdraw? Do you yourself see any inconsistency in the Bingham proposal, of which you are a cosponsor, Mr. McCloskey?

Mr. McCLOSKEY. Which one of Mr. Bingham's proposals?

Mr. GALLAGHER. That which states we should have a commission making certain the elections in Vietnam are not rigged in any way.

Mr. McCLOSKEY. I think we owe that to the Vietnamese and the American people.

Until very recently, I had assumed the accuracy of the report made by the men sent to South Vietnam by the White House to monitor the elections. I seriously doubt my former assumption of accuracy in light of an interview I conducted of two South Vietnamese senators brought to my office by the State Department. In the course of my conversation with these two senators, both identified 21 separate ways in which the ballots had been rigged in the 1967 Vietnamese elections. They discussed freely and with some candor in my office the nature of the deceit that was foisted upon the visiting American monitors that were sent there to determine the fairness of that election. This deception resulted from their inability to understand Vietnamese and, thus their ability to perceive these 21 methods of rigging or stuffing the ballot boxes.

The two South Vietnamese senators indicated some concern that these forthcoming 1972 elections might be rigged. When I was in-



South Vietnam, my staff was told Big Minh would run against President Thien only if he could be assured that Americans would stay out of the election process. I see no alternative for us other than to attempt to at least observe and monitor that election process to make sure that it is fair, because apparently we were deceived 4 years ago.

Mr. GALLAGHER. Of course, Big Minh said that in 1963 or 1964, and I think a lot of us believed him. He got a lot of editorial support in the United States. As the Pentagon papers about which you are making a point disclosed, Big Minh's inability had to be buttressed up about 25,000 troops and Little Minh cost us more troops, too.

I wonder whether that kind of a moral obligation for democratic representation in Vietnam is as important as our finding a way to get out of Vietnam as quickly as possible.

Mr. McCLOSKEY. I don't think it is, Mr. Chairman. I have always questioned our ability to export successfully a democracy such as ours, which took roughly 600 years to evolve to domestic tranquility and even then, in our own civil war we had to settle an issue with one of the bloodiest wars ever fought. I am dubious of the possibility of exporting our brand of democracy given the concepts involved in their country over the centuries. No matter how many people we kill over there, I do not think we can be assured that we can make the government of any oriental country a democracy any more than we have been able to do that in Greece or any other Western country. They have to go through a process to achieve the ultimate form of government consistent with their culture such as we have done, and it takes centuries.

Mr. GALLAGHER. Of course, I agree with you, and this is the point that has troubled many of us on the moral issue of the kind of government that should exist. I believe that we have a higher responsibility to get American soldiers out of there. Only yesterday Pat Moynahan said on the moral issue, which is really how we got there, that this was the most exquisitely moral, more perfectly pure in its moral passion than its desire to bring democracy and self-government to Southeast Asia. So, I wish we would get out and not continue on with the need for a pure, sanitized government there.

My hope would be that that government would last at least 1 day after we got out.

Mr. Whalley.

Mr. WHALLEY. Thank you, Mr. Chairman.

Congressman McCloskey, we want our men out of Vietnam. I hope these hearings will bring about ways and means to help us bring this about successfully.

Do you believe North Vietnam wants U.S. troops out of South Vietnam?

Mr. McCLOSKEY. Yes, I do.

Mr. WHALLEY. Why do they continue the rocket attacks when they know it slows up the process of our coming out?

Mr. McCLOSKEY. I think, Mr. Whalley, that their concept of achieving a rapid withdrawal of our forces depends on their ability to exert sufficient military pressures so that the American people insist that our troops be withdrawn.

When I was in Vietnam 3 years ago, I had the opportunity to talk with a hard-core Communist VC lady who had been in confinement

for some months. She discussed the Communist awareness that the American people, with their lack of patience with wars of this kind, were exerting such pressures that the American Government would ultimately be required to bow to the wishes of their people. This was back in 1968. At that time, I mentioned to her my concern that as a result of talking with her, even I, who had come over there inclined toward the belief that we should withdraw forthwith, was becoming more hardened at the results she expressed. Her response to me by an interpreter in the presence of her province chief was, "You are only one Congressman. You cannot stop the increase in the flow of public opinion that will ultimately force your country to withdraw."

I believe the rocket attacks and the demonstration of the ability to maintain continued military pressure, despite the fact that they have lost over 750,000 casualties from a country of 17 million people, indicates the desire to show the willingness and the stamina to fight and to continue these military pressures we have seen these past few months.

Mr. WHALLEY. The North Vietnamese are very intelligent people. Would it not have been easier or made more sense for them to reduce fighting, withdraw back to North Vietnam which would have made world opinion pretty much force us to come home 3 or 4 years ago, and North Vietnam then wait 3, 4 or 5 years and then made their grab in South Vietnam?

Mr. McCLOSKEY. That has been their pattern over the past year or perhaps 2 years, and has been changed only recently. Their cadres and troops, trained as a fighting force, took a terrible beating in the 1968 Tet offensive. It seems to me, that following this, they withdrew to the concept of guerrilla warfare. They chose not to mass large bodies of troops against large positions. They chose not to engage in major battles and to withdraw to small units engaging small units in the old concept of guerrilla warfare. They realized they went too far, and particularly when confronted with American firepower, it was not their way of fighting to mass large numbers of troops in large battles, so they withdrew into small units where their units would not be subject to the B-52's and the major use of firepower. It is only recently that they have become more aggressive in their conduct as I see reported in the newspapers indicating that they are continuing to wage the fight.

However, I still think they have refrained from committing major parts of their armed forces. When they saw the possibility of making a major effort against South Vietnamese forces which were somewhat overextended—

Mr. WHALLEY. The American people are very much fed up with the war. It is the longest war in history—approximately 9 or 10 years. With hindsight and from what we have learned over the 10 years, the American people are now saying bring our boys home. What would you suggest is the best way to bring this about? In your opinion, what would be the best way to bring our troops home and get our prisoners of war freed?

Mr. McCLOSKEY. I have felt, Mr. Whalley, we could not demand the return of our prisoners so long as we continue with either the threat of bombing or a residual force remaining in South Vietnam. The one thing the North Vietnamese and Vietcong will never accept is the concept of permanent protection of South Vietnam by Ameri-

can firepower. I feel that if we agreed to give up that part of our negotiating demand and reduce our demand to the return of our POW's before our withdrawal, we would then have successful negotiations.

President Nixon has a very understandable position that we should not permit a foreign country to become Communist if we could prevent it. We had to prevent this humiliating defeat, or South Vietnam would fall after all of our efforts and guarantees and, consequently, he has insisted on two points—that the prisoners be returned, and that the South Vietnamese have a reasonable time to prevail after American withdrawal.

I would abandon that second negotiating factor of the President. I think if it were left up to the North and the South, with the indication that we would be out in 9 months, we would have a negotiating position that might be acceptable to them. Perhaps I am wrong in this. But whatever we do, I don't think that we can withdraw from Vietnam and leave 700 or 800 of our finest young men behind. If our present policy has been erroneous, which I believe it has been, we cannot leave the cutting edge of that policy. If the men were not returned within a reasonable period after we announced our withdrawal and the removal of our power, then we would have to do something far more forceful, in my opinion, to get them back.

But I am afraid the North Vietnamese will not trust the President of the United States in his negotiations to end the war and the termination of American firepower. They have been misled once in 1946 and once in 1954. They know President Nixon's long record of harshness and his desire for a firm barrier to the expansion of communism. In my judgment, an act of Congress will be needed in order to satisfy the North Vietnamese that we do intend and insist that we are going to withdraw.

I think for this reason an act of Congress may be appropriate at this point to set a firm and final date conditional upon the return of our POW's.

Mr. GALLAGHER. Would the gentleman yield?

Mr. WHALLEY. I yield.

Mr. GALLAGHER. This is the crux of what bothers this subcommittee. You say we set a 9-month limit for withdrawal with the prisoners to be returned in 6. If they are not returned in 6, then you would do something forceful. What would you advocate that we do? Would we go back in and go to a nuclear strike because we don't want ground forces there? What would you advocate?

Mr. McCLOSKEY. That is a difficult problem, for the same reason that the President does not want to discuss his options with us at the present time, the threat of force if not backed up is only a bluff. I think this is one area where the choice is better left to the President as to how those POW's get back, but we have to give a firm indication of what Congress is willing to do and what we are not willing to do.

If those prisoners were not returned, I for one would be willing, should the President ask for it, to sign a declaration of war if necessary, to get them back. I think the fate of the POW is that important to this Nation.

Mr. GALLAGHER. With all that a declaration of war implies?

Mr. McCLOSKEY. Yes, sir.



Mr. GALLAGHER. Making operative various treaties, the possibility of cranking up of our nuclear plant?

Mr. McCLOSKEY. I don't think we can demand those prisoners back as long as we threaten bombing and insist on intervention in the course of history of the nation of Vietnam. It was one country, not two. They fought an 8-year war for independence. They won that war at Dien Bien Phu. They were promised a unified country and we stepped in and blocked it. As long as we prevent that or continue the threat of this massive use of firepower to destroy their cities. They will not return our POW's. I think Bo Gen Shoc, if I were in his shoes, would have one of those prisoners in each city with a population of over 5,000 to let the Americans know they are there so that we would not destroy their cities.

Mr. GALLAGHER. This is one of our reservations. If we force the President into an inflexible position and the prisoners are not returned within the time, I think that a great many people would be interested in a declaration of war. I recall how we got into all of this. We used to talk about nuclear wars. We don't talk much now about nuclear wars and we don't worry whether the other side is going to "nuc" us or we are going to "nuc" them. This troubles us a great deal. If we say to them that we are pulling out in 9 months if you return our prisoners in 6, and we continue the withdrawal process and then must suddenly reverse it, are we not really right back where we began in the whole business of potential nuclear confrontation?

Mr. McCLOSKEY. I don't think so, Mr. Chairman.

Mr. GALLAGHER. If you would advocate a declaration of war at that time, you who have been very prudent and very forthright in the necessity to end this war, it would seem to me the American public would force the President, whoever he is then, into a very extreme position.

Mr. McCLOSKEY. I say this based upon my study of the evolution of the North Vietnamese. They are an intelligent people. From many of the aspects of their conduct, they are more humane than, say, the North Koreans or even the Chinese. Their conduct has been fully understandable. Their public pronouncements over the years, their attempts to consolidate their country even when Ho Chi Minh was alive, many of the aspects of their declaration of independence and the nature of the war they fought are comparable to the evolution of America. They are not going to exact the last ounce of humiliation in retaining our POW's. But right now the POW's are the only trump card they have to prevent the obliteration of their cities.

Vice President Agnew has said that we bargained away our greatest power for pottage. They can read the statement General LeMay made of bombing them back to the Stone Age. They cannot give up those prisoners as long as there is this fear that we might obliterate their cities, and we have the ability to do that even without nuclear weapons.

Consequently, I do not see any realistic chance of getting our POW's back until such time as we give up the threat of bombing and we abandon the intention to maintain residual force in South Vietnam as the President has insisted.

I suggest we must do it by an act of Congress because if I were Vietnamese I would not believe our negotiators either, in light of past performance with respect to the Vietnamese. These Pentagon papers

clearly disclose our unwillingness to negotiate until we achieve a strong military victory.

Mr. WHALLEY. North Vietnam apparently would not negotiate in Paris even when we had 540,000 U.S. troops there. Would you believe that they would ever even consider negotiating since we have brought 300,000 troops home and are bringing another 19,000 boys home every month?

Mr. McCLOSKEY. I cannot conceive how they would ever negotiate as long as they see the withdrawal proceeding and as long as we insist on maintaining a residual force and a permanent division in South Vietnam. It is incredible to me that anyone would buy that possibility, with one exception, and that is if internally they are so weakened and their will to resist has been so diminished that to them it is easier to negotiate than to watch us slowly withdraw and ultimately wait until public opinion forces complete withdrawal.

While there is no guarantee of negotiating success if we withdraw or by scaling down demands to the single one of return of the prisoners, it seems to me it is impossible to expect negotiations as long as we demand they leave South Vietnam alone, which is in essence what our position has been to date.

Mr. WHALLEY. It would seem to me if North Vietnam would say, "Here are your prisoners; go home, U.S. troops," the thing would be all over. That is just a personal opinion.

Thank you very much.

Mr. GALLAGHER. We have Chairman Morgan here of the full committee and the ranking Republican member, Mr. Mailliard.

Mr. MURPHY. Congressman McCloskey, there is one point on which I am not clear. The problem is this business of what happens when we get down to the level of four or five battalions in Vietnam. You say we will be able to get back into enclaves and defend these by superior firepower. I am afraid we would have another Hue on our hands. I think the North Vietnamese and Vietcong are clever enough to infiltrate Saigon or Cam Ranh Bay under the guise of being coolies or workers and really catch us as we are boarding planes or ships. This has been a worry. This has been the history of this war. There has been very little major confrontation between the forces.

As an ex-marine such as yourself, I know the Oriental, and I know what they can do to us, and this is what I am afraid of. When we get down to four or five battalions remaining in Vietnam, they are going to give us a parting shot we will long remember.

Mr. McCLOSKEY. I would say this, Mr. Murphy: I would hesitate to support a type of withdrawal which would leave signal units, engineer units, helicopter squadrons and headquarter units unguarded by American infantry battalions. When you go into a country, you try to go in with the infantry first, and then headquarters personnel go in. Apparently, according to the present plan, we are going to leave back helicopters and engineers at least in the two northern military regions. From my understanding the only American support that will be left behind is engineers and helicopters, possibly some signalmen and troops of that kind.

I think that we would be encouraging the possibility of the loss of American lives if we left behind American headquarters service personnel unguarded by American combat infantry troops.

So, it seems to me that it is important that we withdraw in the same manner that we went in and get those Tan Son Nhut, Bien Hoa, Chu Lai, and headquarters personnel out first, and the last units to be withdrawn should be the combat infantry personnel who guarded them. I would have no fear at all for the Marines or the 101st Airborne Battalion down in the II Corps area withdrawing to the beach under the cover of American firepower. There would be no real danger, in my judgment, to those troops as long as we have those carriers standing offshore and that airbase in Thailand to furnish the air and artillery support to go with it, but I have grave reservations about leaving a helicopter squadron there with no American troops to guard it. I think we have no assurance that the South Vietnamese troops have not been infiltrated.

There have been some events in the last few months indicating that some of the local regional and popular forces have been infiltrated, and some of these events could not have happened if people did not open the gates and let them in.

Mr. MURPHY. I am in favor of a withdrawal date but the only thing that bothers me about a withdrawal date is whether the North Vietnamese would follow suit with the return of our prisoners. That is what worries me. If we set a withdrawal date, things would be better enhanced because the enemy would know that we are leaving. I do not think they are going to have any trouble with the South Vietnamese, and they have not had much trouble.

However, I harken back to what President John Kennedy said when interviewed in the early 1960's when he said, "When it comes down to it, it has to be their fight." We have built up their armed forces, as you mentioned, to 1,900,000. We have given them the most sophisticated equipment in the world to fight with. We see what is happening here in the United States as a result of this burden, the spasms about heroin, and so on, down the line. We can give you the litany of the troubles. I think the time is now when we have to set the date. I think the President would be more fortified in his position to the American people if we and the Congress stood behind him and said we are willing to set a date. We are elected by the people, too. I applaud your comments.

Mr. McCLOSKEY. I am sorry to delay the committee, but I think this is worthy of consideration.

When Congressman Whalley and I were in Vietnam in April, we tried to talk with as many military advisers as we could, generally from the rank of major and below. Many of them were serving their second tour. In working in the South Vietnamese provinces, the officers told us the South Vietnamese troops were trained well, were led well, and were equipped as well as they could ever be with American assistance. The general consensus was that the mental motivation, the engineers, the logistical support, even in that terrain, are not necessarily the decisive factors in who wins the battle.

The ultimate comment that came to us was made by a young second lieutenant of the 101st Airborne Division, who had been over there a number of months, and had observed the Vietcong and the ARVN. He said, "It is their war to win or lose. There are only two ways the South Vietnamese can achieve peace. One is if they choose to win the war and the other is if they choose to lose the war."



In the judgment of this second lieutenant, there was a substantial possibility the South Vietnamese might choose to lose it. Whether we stay there 6 months or 6 years, it would still depend, in the last analysis, on the will to fight of the South Vietnamese.

Mr. MURPHY. I think the word is "zeal."

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Thank you, Mr. Chairman.

May I commend you on a fine statement, the last 20 pages of which we will peruse at our leisure.

I am strongly grateful that you stopped at page 7, but let me very strongly concur in your efforts to secure to the Members of the Congress the right to have the kind of information that we need to make decisions. We need the inputs if we are going to make policy as we are elected to do, and I am very much in support of the efforts you have made in that direction.

I was asked in a news conference in my home State a week ago whether I thought I was better informed in having read the Pentagon papers. I replied that, yes, indeed, I was, and I thought I was a better Congressman as a result of it.

As you pointed out in your statement, you asked the question. Would we have made the decision we made in this country had we known in 1965 and 1966 and 1967 all of the facts that are in those Pentagon papers?

We were elected to make the important decisions of Government for our people, and we cannot do it unless we have the information.

I am four square with you in my belief that we must have the information.

I also believe that as a result of this first belief that we cannot have management of the news with respect to the Congress. I suppose every administration tries to manage the news. Some of them try to keep the news in. I recall one gentleman who tried to keep some of the news out by canceling a newspaper subscription once. But I think management of the news relative to the Congress will not do. But that leads us to a difficult question, I think, in regard to the general public.

Do you see any constitutional or statutory or, indeed, practical difference between making this kind of information available to the Congress and making it available to the public?

Mr. McCloskey. Yes, I do. I quoted that constitutional section about our journal because it clearly provided that we would publish most of our proceedings, except those which, in our judgment, should remain secret. It would be a relatively simple thing to require the executive branch to give us all classified information upon responsible inquiry, and to impose upon ourselves, through the rules of the House, a procedure to insure that sensitive information remains classified.

We have the power to punish our Members and, upon a two-thirds vote, to expel a Member for violation of our rules. I think the time has arrived that we refuse to allow a classification label to be used as a reason for denying information to Congress. At the same time, I think that the obligation is incumbent upon us to impose rules of secrecy until the Congress can vote in its judgment to release facts which are sensitive. I think that that is the balance that we need.

We have fallen into this pattern of conduct over the last 25 years. We started with a cold war, with the Russians allegedly stating they

were going to bury us. Understandably, with the nuclear weapons and Sputniks, we fell into a pattern of operating under the cloak of secrecy, and the bureaucracy did not want its decisions challenged. The result of this attitude is that they wanted to make everything secret from the Congress.

I think the last 20 pages of my testimony to you describes a series of incidents where the executive branch, in its arrogance, has chosen to deny Congress the facts fearing that we might vote against their policies. In fact, they are treating us as the enemy.

Mr. DU PONT. I think we have kept a great deal from the enemy but a lot, too, has been kept from the Congress.

Mr. McCLOSKEY. Everybody I talked to knew the CIA was running the Laos situation and they knew, too, of the Thai involvement and they knew the Phoenix program was serviced by the CIA. Yet, we in Congress have the need to impose reasonable rules of secrecy on ourselves. I can understand how the executive branch might worry about some of us who drink heavily, or in our dotage reveal secrets, or for the desire for publicity, rush out to hog the television cameras. I understand that. We have the professional ability, however, to impose our own rules and prevent that from happening.

I think that it is necessary to restore this balance between the two branches. Incidentally, I do not think anyone would deny that the Congress was intended to be the supreme branch of Government. We can impeach the President if he does not carry out the law as can we impeach others. The whole pattern of the Constitution indicates in history and tradition that the legislative branch was in fact the lawmaker, and we cannot make the laws without full information.

I think it is time we determined how we were going to get this information and protect the national security in the process.

Mr. DU PONT. Turning now to the very difficult question that some of the other members of the subcommittee have considered, that of the prisoners, I have asked each of the sponsors of the various Vietnam disengagement acts this tough question: If we agreed to withdraw by a certain date contingent upon a prisoner release and it did not occur, would you be willing to stand up to vote to stop taking our troops out?

I concur from your comments that your answer would be yes; is that correct?

Mr. McCLOSKEY. I have no hesitancy, and I confess to some bias in this after 23 years in the Marine Corps. I believe strongly that you don't leave prisoners behind, particularly the men who have borne the brunt of this policy, rightly or wrongly.

I would prefer to say in answer to that question that I would support whatever, at that time and place, seemed to be the best means of getting the prisoners back. I do not think it necessarily involves threatening nuclear weapons or invading the Hanoi Delta, Red River Delta, or blowing up their dikes. I think there are a lot of methods and means available to us; but I think the whole principle and tradition of this country is wrapped up in the sense that we do not leave our men behind when we make our policy. If there is anyone who should not have to bear the brunt of the mistakes this country has made, it is the families and the people involved who carried out that policy at a far greater risk than any of us sitting in the Congress.

We fought in good wars, at times when wars were appropriate and served a national function; as I think this one does not, but I don't think we can preserve this Nation if we abandon those men who fought courageously and without complaint.

Mr. DU PONT. You made one statement that does concern me. I have not been much of a proponent of the fixed-date concept because of the point that the chairman made that we may be pushing the President into some kind of action that we may not want.

You commented that if the prisoner exchange did not take place that you would have to do "something far more forceful." You then mentioned the possibility of a declaration of war, and I don't know whether you were speaking as a Congressman or as a candidate for the presidency; but are you suggesting that if you were the President at that time and the exchange did not take place that you would ask the Congress for a declaration of war?

Mr. McCLOSKEY. No; I frankly have not considered anything I have said today from the standpoint of the candidacy. I have felt that the current policies followed by President Nixon are gradually forcing us into a corner where we may be unable to either get the prisoners back or to assure that the ultimate preservation of the South Vietnamese will be achieved, but I would not urge a declaration of war.

I believe that we cannot test the validity of the assumption that the North Vietnamese will return our prisoners until we do what is right, which is end the bombing and end our involvement there. At that point, it is my belief the North Vietnamese will agree to return our prisoners, since there will no longer be any danger to them from the bombing or the American presence in Vietnam; but as long as Mr. Nixon is President, with his background, the North Vietnamese are going to require an act of Congress in order to have that assurance rather than just the assurances of the executive branch. But I don't say that or any part of this as a candidate, and I do not advocate or propose a declaration of war.

It is my sincere belief that if we follow the course of action I have outlined today the prisoners will be returned and there will be no need to consider the harsher alternatives.

I just do not think that under the current policy we have any hope of reaching that point in view of the long, tortuous history that has gone on since 1945.

Mr. DU PONT. I hope, Mr. McCloskey, you are right. I hope it does work out and that harsher methods, to use your term, are not necessary.

My personal feeling is that I would much rather take my chances with the residual forces as a bargaining tool than I would use any harsher methods.

I have run overtime already, but, again, I would like to thank you very much for a fine statement with regard to the congressional right to know, and I appreciate your appearing before the subcommittee.

Mr. McCLOSKEY. I would like to say I don't think any of us can be completely certain that we are right on any of these issues. We endeavor to attain the best result for the country and hope, in our collective judgment, we will achieve the right result; but there are good men on both sides and all of the reservations expressed are attempting to predict the behavior of both the North and South and, from any observation, the track record of American attempts to pre-



dict how the Vietnamese will react is roughly 10 percent successful over the last few years.

I would like to confess the possibility that I am wrong, as I think every conscientious Member would do with respect to our present convictions. Many of us have changed radically over the last years as new facts have come to light. I just hope I am right, but I would have to concede that I may be wrong.

Mr. DU PONT. Thank you.

Mr. GALLAGHER. Mr. Halpern.

Mr. HALPERN. Thank you, Mr. Chairman.

First, I would like to commend our distinguished colleague on his sincerity and devotion to his convictions. His testimony was eloquent and extremely welcomed by this member of the subcommittee, and I am sure each member.

I join in your efforts to win the right to know. I feel all of us who represent the American people have learned from the recent disclosures the importance to be informed, to have all of the facts before we act, before we evaluate our positions. I am convinced had we in the Congress known the true facts, the course of our actions in recent years might well have been different.

Do you feel that the course of events in South Vietnam would be the same if we got out tomorrow or 6 months from now or 9 months from now or, say, 2 years from now?

Mr. McCLOSKEY. Yes; I do. I do not think that the issue now is how long American troops remain in Vietnam, but I am disturbed that the longer we remain there, the more hardened the attitudes become on both sides and the more entrenched we become in our negotiating position. As we get down to 50,000 troops and airpower there. I do not know what negotiating power we will retain.

Mr. HALPERN. Aside from the morality and legality issue which you so strongly have stressed, would you say to prolong the war is actually pointless?

Mr. McCLOSKEY. It seems so to me.

Mr. HALPERN. I think it is important to point out, Mr. Chairman, to add to your own conceptions on the issues in this war that even if we were to meet the present withdrawal timetable at least another 7,400 Americans will be killed and possibly as many as 65,000 more young Americans will be maimed or injured. I think this is awfully important to stress.

Again, I want to emphasize my compliments, my commendation to our very distinguished witness and his valuable contributions to this subcommittee.

Mr. GALLAGHER. Thank you, Mr. McCloskey, for a fine contribution to the deliberations of this subcommittee.

The subcommittee will stand recessed for 10 minutes while we go over and vote.

(A short recess was taken.)

Mr. GALLAGHER. The subcommittee will come to order.

Our next witness is Congressman Sam Gibbons, Democrat of Florida. Congressman Gibbons came to the Congress in 1963 and is a member of the Ways and Means Committee. He has made an enviable record of sound legislative initiative.

We are pleased to welcome you here, Congressman Gibbons, and we know your testimony will be helpful to our subcommittee. On behalf of our subcommittee I want to express to you and Mr. Waldie our apology for the long delay and hope you will forgive us.

Please proceed.

## STATEMENT OF HON. SAM M. GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GIBBONS. Mr. Chairman, I appreciate your courtesy and welcome your comments. As I told Mr. du Pont a while ago, I am not worried about the delay. I have been waiting for about 9 years for this occasion, so a few more minutes or a few hours or a few days will not make that much difference now.

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you on a matter which I believe to be historic in nature. I am not here to assess blame, to call names, or to point fingers at anyone, but I do think we should have a free and frank discussion of our actions.

First, let me say I am a cosponsor of a number of resolutions on subjects now under consideration by your subcommittee.

I joined in sponsorship of House Joint Resolution 1, by Congressman Zablocki and other members of the Foreign Affairs Committee. While I am not totally satisfied with the draft of this resolution, I joined in its cosponsorship because I wanted to express my interest in reasserting the responsibility of the House of Representatives in connection with the warmaking powers. I believe that by the process of erosion, the power to make war and to commit this country to the possibility of war has been concentrated to too great an extent in the executive branch.

House Joint Resolution 1 at least puts the President on notice that he is required to consult with and report to the Congress in a more forthright manner than we have seen in recent years.

I joined with Congressman McClory of Illinois in sponsoring House Concurrent Resolution 334, which provides for a date certain for withdrawal of American forces from South Vietnam, conditioned upon the establishment of a cease-fire, return of all American prisoners, and a simultaneous withdrawal of all outside military forces from South Vietnam. Here again I think the Congress must show its willingness to accept the responsibility for bringing about a peace. Under our system of divided responsibility at our National Government level we cannot assume that the Executive must bear the whole responsibility for the final decision of withdrawal.

I joined with Congressman Chappell and others in the sponsorship of House Joint Resolution 664, which again recognizes the responsibility of the President as Commander in Chief, but also recognizes the shared responsibility that the Congress has with the Executive concerning our warmaking powers.

When I joined with Congressman Wolff and others in the introduction of House Concurrent Resolution 192, I wanted to express my desire that the people of South Vietnam be given every opportunity to express their free will in the elections to be held in October of this year. I realize it is very difficult to conduct an election in a coun-

try that is under attack from within and from without and that the standards we impose in our country would not be realistic in South Vietnam, but I become more concerned each day that the conduct of the election in October in Vietnam will fail to meet even the minimal requirements of free elections. From the sketchy reports that I have seen concerning this election, I am led to believe that the ability to be nominated for a place on the ballot has been overly restricted.

Some members of this committee will remember I was one of the introducers of a resolution in the Democratic caucus to bring this war to an end by the end of this year. I do not see how it is reasonable to expect that prisoners of war will be returned until an agreement has been reached concerning the end of armed hostilities.

When the history of this era is written, no fair historian can fail to criticize the Congress, particularly the House of Representatives, for its failure to give adequate consideration to our problems in Southeast Asia. Here and now, after all of these years, we are finally having open and public discussions concerning our policy in Southeast Asia. The Gulf of Tonkin Resolution, for which I voted, originated in this committee with only a minimal amount of discussion and was presented to the House of Representatives under a severe time limitation.

While this country has been torn apart by proponents and opponents of the war in Southeast Asia, this Congress has not responded with the hearings, discussions, and debate that a problem of this magnitude deserves.

We must all recall that our country is dedicated to the proposition that government derives all of its just powers from the consent of the governed, and it follows from this principle that no consent can be properly given if the government classifies as secret those matters which should be public knowledge. Neither can consent be given when the elected representatives of the people fail to carry on official and public discussions of vital issues, such as our involvement in Southeast Asia.

As I said earlier in this statement, I believe that the warmaking powers of this Government have become too highly concentrated in the hands of the Executive. I believe it has been far too easy for the executive branch to commit this country to paths leading us to armed confrontation around the world. I think that it has become too easy for our executive branch to make commitments in manpower and other resources without the active oversight of the Congress.

I am glad that this committee has now begun to undertake what I hope will be a searching discussion of the problems that I have outlined. I hope that this committee will be vigorous in its attempt to withdraw the veil of secrecy that so often covers the conduct of our diplomacy. I hope that this committee will report to the House of Representatives proper legislation fixing the time for the cessation of hostilities in Southeast Asia, and will also report to the House of Representatives legislation restricting the use of warmaking powers that have been usurped by the Executive.

Finally, I would hope that this committee would report to the House of Representatives legislation requiring all agencies within its jurisdiction to revise their system of classifying information. It seems to me that the very least that can be done would be to provide for an inventory of those documents presently classified and on an annual



report for those matters that are classified during each consecutive year. A more workable method of declassifying information is needed so that the 200 million Americans who must give their consent to be governed will have a more knowledgeable basis on which to do so.

In considering the resolutions I have introduced and other legislation in this area, I think it would be well for the committee to look into the Javits and Eagleton resolutions on the Senate side, on which I understand hearings have been held. These resolutions contain worthwhile suggestions, I believe.

Thank you again for allowing me to testify before you. I want to commend the committee for its investigation into needed legislation to assure that another Vietnam won't happen.

MR. GALLAGHER. Thank you, Congressman Gibbons.

The Congress obviously deserves a great deal of criticism and anyone who lived through those days is not without his share of criticism. But I am just wondering what kind of criticism will fall on this Congress if we should pass a resolution with a date certain which events make it impossible for us to keep and, therefore, impose a very inflexible position on the President of the United States, who is seeking to extract us from Vietnam.

I wonder what your feeling on that would be.

MR. GIBBONS. Mr. Chairman, somewhere along the road we are going to have to face the process of withdrawal that is now going on and it will eventually come to an end. We will be down to a force that is so small that it can only perform perhaps a beachhead type of withdrawal from South Vietnam. I think it is better to bargain now; to put forth a solid position that we as a government are willing to make and see what kind of takers we have on it.

I think that it may well come to the fact that we will be forced to shoot our way out of South Vietnam. I hope it does not. I think we are in a better position to bargain now, and I think we have to show the initiative by stating we are going to withdraw, that we are going to withdraw at a time certain and then see what response we get from the enemy.

MR. GALLAGHER. Would it not be preferable to allow the withdrawal plan to proceed as it is while there are still options to the President, while he still has some flexibility? My reservation is if we impose inflexibility, we may well be hindering this. This is a purpose of our hearing.

MR. GIBBONS. As I see it, Mr. Chairman, we have given away all of our bargaining chips. When we made the decision not to bomb North Vietnam, an important chip went down. In 1969 when we said we no longer intended this to be a military victory, we gave away another bargaining chip. When we announced our withdrawal, we gave away another bargaining chip, and when we reduced our forces, we gave away still another. There is so little left that we have to bargain with that we are in the uncomfortable position of having to put as a bargaining chip the thing we have the least control over—and that is what is going to happen to our own prisoners of war.

We have very little left to bargain with except our own good intentions and every day as we continue to withdraw, we chisel away at what little we have left. I think it is going to take some dramatic act of faith on the part of this Government to convince the other side that we do intend to withdraw.

I am sure they don't want any more casualties. I am sure we don't want any more casualties. We still do have some options, but it would take a tremendous upheaval in this country to use those options. Those options are ones that were discussed here earlier—an accelerated bombing attack against North Vietnam, the use of ultimate types of weapons against those people, but those are not on the bargaining table and I think we ought to go ahead and set a date for withdrawal, find out what is going to happen as we are going to have to face this sooner or later. I think we are in a better position to face it today, this month, than we will be a month and a half from now when we will have 25,000 fewer combat troops in South Vietnam.

Mr. GALLAGHER. It is those very options, Mr. Gibbons, that make me very nervous; the imposition of a fixed date and the possible incapability of our doing what we in the Congress say we must do. This may lead to the kind of extreme reactions that the President would be forced into or that the public will demand. I wonder if that kind of a position becomes counterproductive to withdrawing all of our troops, which is what Vietnam now should be all about.

Mr. GIBBONS. I have tried to think of what you take with you when you go to the bargaining table in the position we are in right now.

Mr. GALLAGHER. We are not really talking much about going to the bargaining table. The other side is not going to bargain with us. They want us out, and when we come out, they may or may not give up our prisoners. They obviously do not want to sit sincerely at the bargaining table and, therefore, if we negate our own options, are we not going to be forced at some point to show muscle again, which is what I believe no one wants to see?

Mr. GIBBONS. There are many ways the prisoners could be returned. We could try third-party options. We have prisoners of theirs we could exchange on a man-for-man basis. We have all kinds of ways we could test the bona fides of the enemy.

We are not now testing the bona fides of the enemy apparently well enough. I must assume everyone wants to see this war come to an end. If we take into account their casualty toll, no one could rationally say they want to go forward with more armed conflict. There is no doubt that our firepower is devastating and whenever they mass enough to do any damage to us, all of the firepower that we are able to concentrate deals them a cruel blow.

So I cannot believe that they want to prolong the war indefinitely. They are going to get from us a pretty awful price, no matter how we do this. I think we have made an unfortunate mistake, a tactical error. By this, I mean that in the bargaining process we told the enemy that our many bargaining positions were based upon something that was wholly in their control, that is, when we put such a high price on the release of our prisoners, we made a terrible blunder. I think the Government in escalating this and in encouraging this has made a mistake. It has always been in the conduct of warfare that prisoners of war were returned once there was a cessation of hostilities.

I have heard these assertions on the floor and the evidence has been given on the floor, yes, we have had returns of POW's prior to cessation of hostilities, but those have usually been sick or wounded or special types of prisoners.

Now, every prisoner is special to me.

MR. GALLAGHER. I am not really talking about the prisoner issue, which, of course, we all agree on. By giving the date creates precisely the point that we give them another position that is solely in their control: a total inflexible date by which something must happen. If it does not happen, we are right back where we started from.

MR. GIBBONS. Somebody said a declaration of war. Fortunately weather is on our side right now. What is it—seven or eight a day killed, three or four times that many wounded every day, to say nothing of the financial expense and the social expense that we are paying for this. I think that all those are factors in this equation. Another factor is that we should be willing to risk some things and one of the things we have to be willing to risk is that we will come forward and say we are willing to set a date provided they will give us a firm assurance that they will return those POW's. We can then work out the details.

MR. GALLAGHER. I don't think we are ever going to get any firm assurance at all. I think the ending of the war depends on ourselves and what we do.

MR. GIBBONS. We are in a better position, Mr. Gallagher, to know that, this week than we are a year from now.

MR. GALLAGHER. If that were so, if we got any manifestation at all or including even minimal conditions of prisoner return, I think this committee would jump with enforcement of a fixed-date proposition. It is precisely that gray area at the end of it that if nothing happens will we be forced to declare war, will we be forced back into the bombing that no one wants and the kind of war on a larger scale that no one wants? Or do we just continue to grind down the war regardless of what the other side does, which is about what is happening now?

This is why I direct your continued careful thought on the end-the-war resolution, the fixed-date proposition.

MR. GIBBONS. I have always considered that the fixed-date proposition was a bargaining position. You announce you are going to get out, you take the kind of action it would take to do that, a resolution by Congress pledging, in effect, that a majority of us support that position and that the President would so adopt, and then you just have to see what can be worked out about how you get those prisoners back. Then you still have the option of when you execute that fixed date or the process of executing it. If we determine that there is going to be no return of those prisoners, then we start to examine our other options and what pressure we can bear upon them to do that.

I just maintain that we are in a better position to fix a date now and say we are going to get out now than we will be when we are down to, say, 50,000 or even 100,000.

MR. GALLAGHER. Let us assume we do that and nothing happens at all with regard to the prisoners, or we get forced into a very difficult position by having a lot of people killed at the end of it. What do we then do if the resolution says everything ends on December 31, 1971? Do you see any possibility of our being forced into a very extreme position which none of us want or do we just take it and go out anyhow?

MR. GIBBONS. Of course, in making that decision you just have to weigh all of the factors in light of what is actually taking place at that time.



Mr. Gallagher, frankly, I can't foresee that this thing is going to end as a bed of roses. I have never been able to foresee that. I have always foreseen either the winning of this or the losing of it or the ending of it, if you prefer to call it that, as being a climactic time. I have always felt since the beginning that if we were going to win this thing, we had to face the possibility of a confrontation with China.

Fortunately we never had to do that, or unfortunately—I don't know. Somebody who has a better grasp of history and better perspective than I have is going to have to decide that question.

Mr. GALLAGHER. I don't see any great climactic ending to it.

Mr. GIBBONS. I mean the risks are going to be high. There is always a chance at the end some slip could occur, some blood might be shed. There could be some treachery in the return of the prisoners of war that could set off the kind of cataclysmic event that none of us want to see.

Mr. GALLAGHER. Accepting that, isn't there some advantage in not fixing a date if those things could happen by forcing something to happen? That is my reservation.

Mr. GIBBONS. I think we are just saying, "Put it off a little longer, withdraw a few more troops and see what happens." We have gone down to 250,000, but nothing has happened. We are still taking casualties, but at a lesser rate. Before we go much below that present figure, we ought to try to at least do what has been suggested here.

If that is not going to work, we are going to have to suggest another tactic. I don't think we have anything to lose, but by simple mathematics you can reduce our forces down to the level where they are going to be outnumbered, outgunned by the enemy.

I would much rather negotiate a withdrawal than I would to shoot one out.

Frankly, I have taken part in military operations as you have, and I know that withdrawals are very difficult to execute because you don't have the element of surprise on your side. The enemy knows where you are and they can concentrate their firepower on you. I always thought in winding this thing down, if there were still not a cease-fire, then we had a difficult military as well as a political problem on our hands.

I think we have to set a date certain, try to negotiate a cease-fire, try to get our prisoners out and I think that is the wisest course to follow at this time. I have had a little experience in planning of military operations and I don't want to see us pull a beachhead operation in reverse. It would be an event that would be very distasteful.

I have no doubt we could pull it off successfully, but we would have to use far more power than we have used now and we would have a pretty high casualty among those who would be the last ones out.

Mr. GALLAGHER. Mr. Whalley.

Mr. WHALLEY. Thank you, Mr. Chairman.

My compliments to our chairman for holding these hearings. I think he is sincere when he says he hopes some idea will originate to bring about the thought we all have which is to bring our boys home and bringing this war to a successful conclusion. I want to thank you and other witnesses for taking the time to prepare statements and coming here. It seems almost like a bottomless pit.

We talk about we should have a better understanding between the President of the United States and Congress and I don't think anyone tried harder to bring war to a conclusion than President Johnson. He agreed to stop the bombing because his advisers said if we did this, this would help North Vietnam release our prisoners so they could come home and they didn't do anything about it.

Mr. GIBBONS. I am just speculating, but I think he realized in 1968 that winning the war would be for a price that he was unwilling to pay. I think he realized in 1968 he was going to have to take on the Chinese and I think that is the reason why he called it quits. The information that has become public since that time convinces me that that was the reason he quit, because he realized how far this would have to be escalated.

Mr. WHALLEY. I remember hearing that President Johnson allowed Secretary Rusk to appear before this committee and he said the Constitution gave him the right as Commander in Chief to run the war as the executive department saw fit. It was only after many, many months that he appeared. I am not sure these hearings will bring any more information to the committee if the Constitution really gives him that right.

We have to hope for the best. I asked questions this afternoon as to why wouldn't North Vietnam just stop the rockets, retreat, release the prisoners and opinion would require us to come out? He said he felt North Vietnam wanted to embarrass the United States, a strong country of the world, showing they could attack at will and create casualties at will and they are people who are pretty difficult to understand, so I think all we can do is work and hope for something peaceful as a solution.

Mr. GIBBONS. There are no magic solutions to these problems. It is going to be very tough at the end as it has been all along, and I think we are just going to have to put our faith on our experience as men of affairs and that is, you just make the best deal you can get and you take what you can get when you get it.

I don't think any President that I have had the privilege of serving under has had a package solution that he could pop at any one time. I used to think at one time Mr. Johnson had one. That was wishful thinking.

Mr. WHALLEY. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Mr. Gibbons, you commented in your testimony that we need more congressional inputs into the foreign policy area. I generally concur in that, but what about the tough question—what about the next Vietnam?

When information comes to you that one nation, be it Burma, the Philippines, Ecuador, is being infiltrated by armed forces of another nation, how do you propose to set the criterion by which you need to know whether or not you are going to help?

Mr. GIBBONS. I wish I had that solution. I think you would have to know more about the people of the country than we did about the Vietnamese. I think General Taylor just testified that we didn't know enough about the people and we got in with this in the wrong way. We just kind of blundered along and I think the Executive deluded us as to what was going on.

I don't think we should use this covert kind of assault again on anyone. I really think we have to arrive at a position of moral leadership of the planet. It is now shown pretty clearly on the record, that while we have condemned others, our hands are not too clean either.

So apparently we need to have some soul searching in our country, and we need to establish some declarations of how we are going to live and convince other people of that.

Mr. DU PONT. Let me ask you the other hard question. If we passed another resolution saying we were going to bring all of our troops out, contingent upon prisoner release, and the day came when the prisoners were not released, would you be willing at that point to vote on the floor of the House to stop taking our troops out of South Vietnam?

Mr. GIBBONS. I would have to stop and take much more time to think about that than I took on the Gulf of Tonkin resolution. You have to ask how many more lives you are going to throw away in the process of trying to rescue somebody? I have been a military man for an impressive part of my life, and there are times when you have to make a decision whether or not you are going to take the offensive or whether you are going to take some other course of action.

Sometimes the price is too high to pay. I would not want to commit myself. I worry about the prisoners of war that are there, but I also worry about the 20, 30, or 40 that we kill every week and the thousands we may kill before we get this mess over. I think those lives are worthy of consideration as much as the lives are that are in captivity over there.

Mr. DU PONT. Then you ought to be for a resolution that says we are going to pull the troops out regardless of what happens to our prisoners.

Mr. GIBBONS. No.

Mr. DU PONT. You have two options if you pass a resolution saying we are going to take our troops out if you give us our prisoners back.

Mr. GIBBONS. You miss the gist of this as does the President. Apparently what you are doing and what the President is doing—he is going to get himself so weak over there he won't have any residual task force left in that country. He will give away all of the bargaining power we have, and then he will see what can be done.

If you take 12,000 out for  $x$  number of months, you are not going to have anyone there. Short of that time, you are not going to have any believable power left there. We may be at that point already, so what is to be lost by establishing a date on which we, in effect, say a majority of the House of Representatives, as a majority of the Senate, the President concurring, we are going to be out of there.

It is a matter of believability. They may not believe us. They may say, "Go on, we have heard that story before." At least we know where our options are. We are giving away our options and frittering away our power.

Mr. DU PONT. That is a fine resolution and that resolution is not what has been discussed here. That is a straight resolution with a fixed date. If that is what you are in favor of—

Mr. GIBBONS. I have given the number of them, but I cosponsored resolutions conditioned upon the return of the prisoners.

Mr. DU PONT. But you said if they didn't return the prisoners, you are not sure what you would do.



Mr. GIBBONS. I think you are going to have to face that when you get to it. We are in a mess and you can't lay out a grand plan for unwinding this mess. There is nobody in this Congress or in this country who is smart enough to do it. We don't have control of the situation unless we are willing to escalate all out of proportion.

That is the reason President Johnson did not escalate all out of proportion, because he realized he was eventually going to be taking on the Chinese, in my opinion, and he did not think it was worth it.

Mr. DU PONT. I am concurring with you that we are in a mess, but I am suggesting if we pass a contingent resolution which says we are going to get out if you don't return the prisoners——

Mr. GIBBONS. We will be no worse off than we are today.

Mr. DU PONT. Our Congress has made a declaration of policy and if you don't live up to it and if you don't go to the mat on the prisoners, your credibility is shot.

Mr. GIBBONS. The credibility has always been based on the fact that we would get the prisoners back. I am sure you have been listening to this debate and you have been reading the resolutions, but that is the contingency. You ask me a hypothetical: Am I going to declare war if they don't?

I rushed into the Gulf of Tonkin resolution, and once burned you become more cautious. I don't think the Congress was leveled with on the Gulf of Tonkin resolution. I think we are going to have to look at the bona fides of the people who do the negotiating for us.

Mr. GALLAGHER. If prisoners are not released, then we have to take further action. Isn't this exercise concerned with obviating further action regardless of what the other side does? The country wants the war to end and the people want the boys to come home.

It seems to me that is all. It seems to me if we have a bubble at the end of it, whether it floats or bursts, requiring further action, big action, then we are not on a certain course.

Mr. GIBBONS. We would be in a better position to find that out today than we would 6 months from now.

Mr. GALLAGHER. I don't think we are ever going to find out in advance. I think all we have to do is get out. That is precisely my reservation. We have to come out regardless of what is going on and if we leave in a hook, it may bring us back in even greater force.

Then we and the President are in a terrible position which we in Congress would be responsible for.

Mr. GIBBONS. We are responsible anyway.

Mr. GALLAGHER. Then maybe we should have learned something.

Mr. GIBBONS. I share responsibility for the 45,000 who have died. I share a responsibility for the  $x$  number of people who are prisoners now. I share responsibility for the dope addiction and for the wounded and for the maimed and for all that sorrow and misery. I share that responsibility and the responsibility is never going to get any lighter and I don't see any other way out of it other than to say clearly and cleanly we are going to get out.

We have already said that. The President says it all the time. What we are asking for now is that we try some new initiative.

Mr. GALLAGHER. You are saying, "Compel it by a certain date," but what happens after that?

Mr. GIBBONS. We have not had a new initiative since we decided what the shape of the table was going to be in Paris. We have not had a new initiative at all. We have not had any original thinking. We have not done anything.

We have just sort of grudgingly said, "Well, damn it, we are going to get out."

Mr. GALLAGHER. But that is all we can say.

Mr. GIBBONS. I think the country is crying for and I am crying for some new initiative, some new thinking, not just 12,000 men times the number of months ahead before we withdraw. I don't know what is so magic about it being somehow timed to the next election.

I think it is ridiculous to do it that way. This is not a partisan matter.

Mr. GALLAGHER. That is the concern of this committee to end it rather than have a good issue.

Thank you very much, Mr. Gibbons, for your contribution.

Mr. GIBBONS. As I said to Mr. du Pont earlier, I have been waiting around here for almost 9 years to talk on this before an official body of the Congress. I don't profess to have all of the information or the knowledge or the ability to reason this matter out. I am convinced that the Congress has not gotten the candid information from the Executive that the Executive has.

I don't allege malice to the Executive or to the executive branch or to the military forces, but I do say there has been a lack of wisdom on their part and on our part and on the withholding of information and if we have learned one lesson from this mess, it is that we can't afford to be less than candid with each other and with the people that we represent.

That, as I see it, is the lesson to be learned from our involvement in Southeast Asia.

Mr. GALLAGHER. Thank you very much, Mr. Gibbons.

Our next witness this afternoon, to whom I express great apologies for the delay, is Congressman Jerome Waldie, Democrat, of California.

Mr. Waldie is a respected member of the Judiciary Committee. During his years in the Congress he has never been reluctant to speak out on these important issues of our times.

We welcome you.

## STATEMENT OF HON. JEROME R. WALDIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. WALDIE. I get the impression this subcommittee is about as weary of these hearings as it is the war.

Mr. GALLAGHER. We are going to consider a date certain to end the hearings.

Mr. WALDIE. I intended to give you a lengthy statement on the issues, but I am too tired to do that and I know you are too tired to listen.

Let me say we ought to get out of Vietnam. We ought to get out tomorrow if we could. I see nothing to be gained by staying 24 hours longer. I see everything that we have lost so far being compounded. With that I will answer any question any member of the subcommittee has.

Mr. GALLAGHER. Mr. Waldie, we thank you for your consideration and this committee is certainly well informed on your very consistent position down through the years.

Which of these resolutions do you most favor? You have listened this afternoon. You can tell that we are clearly perplexed as to which really serves the best interests of how to bring this war to a conclusion: A continuation of the present policies which are working, though slowly, or fixing a date with the disadvantages and advantages that a fixed date would offer?

Mr. WALDIE. I think the best interests of this country will be served, Mr. Chairman, by the quickest withdrawal from Vietnam and whatever resolution provides the quickest withdrawal from Vietnam directed by the Congress of the United States, that is the resolution that I would support.

If I can't get that resolution before me, I will support the next quickest.

Mr. GALLAGHER. Do you see the disadvantage or the reservations, that you have obviously noted, of several members of the committee that if we fix a date and set conditions and those conditions cannot be met and that date passes requiring us to do other things? Do you see this as a potential danger?

Mr. WALDIE. I see potential dangers for every second we remain in Vietnam, Mr. Chairman. I see the greatest potential danger remaining in Vietnam. There is no potential danger on any condition or in any way that is greater than remaining in Vietnam for a minute longer than we should, which was 10 years ago, which is when we should have been out.

Mr. GALLAGHER. I quite agree with the conclusion. We are grappling here with the problem of how we exercise our responsibility toward reaching that earliest possible minute.

Mr. WALDIE. I exercised my responsibility in that regard by voting against all military appropriations and by voting against the continuation of the draft. This war cannot be fought unless you compel American men to fight it. There is not enough support for that war for Americans to volunteer to fight that war in South Vietnam.

I voted to end the war and the draft on June 30. I voted to end all appropriations in support of the Vietnam war to end the war. The conditions on ending the war don't really concern me. I think the most important thing is to end the war.

I think we can get hung up in parliamentary technical debates as to what consequences will be for the country, given a certain set of options that are speculative and uncertain, but the one option we know is not speculative and uncertain: Every day we remain in Vietnam, the tragedy of that situation is tearing this country apart more and more and it is tearing apart Indochina.

It seems to me we should not be misled worrying about blind tunnels as conditions. I followed the President the 3 years in which he has been handling this difficult problem. I have tried to divine, if you will, what the purpose of his policy is.

At first I understood it was to permit the South Vietnamese to have the right of self-determination. It was an enunciation of the policy of his predecessor. Then I understood we went into Cambodia and Laos not to permit the right of self-determination, but to protect our with-



drawal so that the enemy would not attack our troops as they left South Vietnam.

The next thing I understood from the President was that we were really in South Vietnam to insure the return of our prisoners. The last I heard was that we were in South Vietnam to insure the release of our prisoners and to insure the ability of the South Vietnamese to defend themselves.

With that statement we come a full circle to permitting the right of self-determination of the South Vietnamese people. I don't know what the President's purpose is to stay in South Vietnam. I suspect it is to save face.

It is an oriental characteristic we have always maintained was a weakness of the orientals. The face the Americans have presented in Indochina is the ugliest face this Nation has ever presented to the world and the way to change that face is not to remain in Vietnam.

You will save the ugly face if you remain there. The way to change that ugly face is to get out of Vietnam and not quibble over the ways you get out. Just leave Vietnam. It was not hard to get in there.

Mr. GALLAGHER. Do you feel we are doing that now?

Mr. WALDIE. I suppose we are doing it to the extent that I am living out the rest of my life, if that is an analogy. As I presently stand before you, I am presently living out the rest of my life. I suspect in that regard, we are getting out of Vietnam.

Mr. GALLAGHER. I hope both policies continue.

Mr. WALDIE. The thing I disagree with—the constant assurance that the President is trying to end the war. Of course, he is. President Johnson tried to end the war. President Kennedy tried to end the war. President Eisenhower tried to end the war. All Presidents have tried to end the war. I used to criticize Presidents and vehemently ever since I have been in Congress. I criticized President Johnson and I continued criticizing President Nixon.

I am no longer going to criticize Presidents. The Congress of the United States has it within its power to end this war next week. We could end it if we had the courage to do it. It is very easy to criticize Presidents for their failures and policies if you are not willing to assume the risks that formulating policy entails. We have not been willing to do that.

Mr. GALLAGHER. With regard to the resolutions, Mr. Waldie, some are entailed by a prisoner-of-war return. Do you advocate that?

Mr. WALDIE. I would advocate the resolution that calls for withdrawal from Vietnam tomorrow.

Mr. GALLAGHER. Without conditions?

Mr. WALDIE. Without any conditions. Failing to have that resolution, I would argue for each resolution calling for 24 hours beyond that.

Mr. GALLAGHER. Primarily you give testimony here to a resolution that fixes the earliest possible date to end the war without any conditions; is that correct?

Mr. WALDIE. I am not interested in conditions. I am interested in the men in Vietnam being brought home and the conditions by which they are brought home as long as they are safe. Those are the only conditions that concern me.

Mr. GALLAGHER. Mr. du Pont.

Mr. DU PONT. Mr. Waldie, do you feel, then, that getting our troops out of South Vietnam is more important than any consequence that might attach to their removal?

Mr. WALDIE. I can think of no consequence that can attach to getting our troops out of Vietnam that are as damaging as the consequences of staying in Vietnam.

Mr. DU PONT. So you would be willing to have the troops come out and essentially leave the prisoners there. You would also be willing to have the troops come out and let an armed force from North Vietnam, uniformed, come across the DMZ and invade the South?

Mr. WALDIE. I would be willing to have the troops come out and I would be willing to have South Vietnam defend itself and I would be willing to have our prisoners released at the conclusion of the war. Your restatement of my position is not one I accept.

I tell you that the consequences of staying in there are these: The military reputation in America is probably as low as it has ever been. That may be one of the greatest if not the greatest loss the country has incurred. The people of America no longer have confidence in their military and it is a tragedy because the military is an essential part of America and that military is going to have to be called upon.

Mr. GALLAGHER. I might interject at this point that the Pentagon papers clearly indicate that a great part of the Military Establishment was against the very position we find ourselves in. These were political judgments.

Mr. WALDIE. I suspect that is quite correct, but most of the blame, it seems to me, in the mind of the American public is being shared equally, if not more than equally, by the military. I think that loss of confidence of America in the military is a devastating blow to our national interests.

I think the divisions in this country that are brought about by the Vietnam war are devastating to the fabric of the country. I think the concentration of the Congress on Vietnam to the exclusion of all of the other problems of this country are damaging to this country beyond comparison.

When you suggest an immediate withdrawal may cause the South Vietnamese to fall to the North, I suggest to you that that is a minimal consequence compared to what will happen and is happening to our country by staying there. I don't want to see the prisoners remain in captivity a day longer, but neither do I want to see this country continue to undergo the travail resulting from our remaining in Vietnam.

Mr. DU PONT. Are there any conditions under which you would favor the sending of American troops to defend or to assist in the defense of a nation invaded by a third nation?

Mr. WALDIE. Surely; if Israel, for example, were under threat of invasion, I think our national interest is intimately involved in its preservation. If a NATO country were invaded, I think we would have to honor our commitment to NATO.

If certain armed forces were sent into South America, I think our national interest is intimately involved. I do not think our national interest is involved in Indochina.

Mr. DU PONT. Africa?

Mr. WALDIE. It would depend upon the nation in Africa involved and from whence the foreign troops came.

Mr. DU PONT. I am not talking about Russian or Chinese Armed Forces. I am talking about the neighboring nations.

Mr. WALDIE. I would not worry about neighboring African states. I would not commit any American forces to aid one state being invaded by another neighboring state.

Mr. DU PONT. But if the Egyptian Army——

Mr. WALDIE. I clearly would.

Mr. DU PONT. Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you very much for being so patient and we apologize. We are delighted to have your contribution.

The Chair would now like to recognize Congressman William F. Ryan, Democrat of New York, who has sponsored several bills and resolutions directed at ending U.S. involvement in the Indochina conflict.

### STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RYAN. Mr. Chairman, I am pleased to be able to offer testimony before this distinguished subcommittee. I believe that the very fact that hearings are being held concerning the Vietnam war, and termination of the U.S. involvement in that misguided tragedy, demonstrate that the House of Representatives, has, indeed, reached a point where there is a real chance that the responsibility of the Congress will finally be asserted.

I do not think it will come as any surprise to this subcommittee that I am appearing as a proponent of U.S. withdrawal from Indochina. I think it safe to say that I have already made clear my views on the war. I have voted against every appropriation for money to sustain that nightmare, and I shall continue to do so. It is my urgent hope that the actions of this subcommittee, and of the full House Foreign Affairs Committee, and then finally of the full House, will very soon bring to an end the need to even consider legislation providing such moneys.

As you know, I am a sponsor of several bills and resolution, all directed at ending U.S. involvement in the Indochina conflict. These include:

House Concurrent Resolution 50, calling for an immediate cease-fire and complete withdrawal by June 30, 1971;

House Resolution 48, barring U.S. troops in or over Laos;

House Resolution 55, calling for the President to set a date for withdrawal;

House Concurrent Resolution 246, urging the United Nations to take over responsibility for ending the war;

H.R. 1738, barring the use of funds or personnel for Cambodia;

H.R. 4102, the Vietnam Disengagement Act, calling for withdrawal by December 31, 1971;

H.R. 4126, barring U.S. involvement in Laos.

H.R. 5229, barring support for any invasion of North Vietnam; and

H.R. 8955, establishing a cease-fire and withdrawal.

I am, it is clear, prepared to sponsor, support, testify for, and vote for every piece of legislation which will end this war. It should have never begun. Once begun, it should have been ended long ago. Still continuing, it should be ended today, at this instant. If today is not



feasible, I will settle for tomorrow. If tomorrow is not practicable, I will reluctantly settle for next week. But I will not settle for the unending drain of American and Asia lives, waiting and waiting for this administration to end it.

Why? Why must we withdraw? We must because we have paid an incalculably high price for an incredibly wrong venture, and in doing so, we have made the devastated lands of Indochina and their hapless peoples pay an equal incalculable price.

Since January 1, 1961, more than 53,000 American lives have been lost; more than 750,000 Vietnamese. South Vietnam is ravaged, the victim of bombs, herbicides, depopulation, forced evacuation, and constant warfare. Laos and Cambodia share that fate.

The tale of this dreary debacle is a long one. Longer even than the 47 volumes of the Pentagon study authorized by then-Secretary of Defense Robert McNamara. It is a tale, we now know even more fully than we did just a few weeks ago because of the Pentagon Papers, of deception and obfuscation. It is a tale of bloodshed, stupidity, and even atrocity.

Why are we fighting?

We have been told that we were fighting to contain China. Today, Chinese influence is certainly no less in Southeast Asia. In fact, the North Vietnamese, historically the antagonists of China, now look to that nation as a source of materiel.

We have been told about the domino theory: if South Vietnam went Communist, the rest of Southeast Asia would topple. This theory declined in political currency for a while, but now it has been resurrected. As the President told us on July 2, 1970, in a televised interview:

Now I know there are those that say, well, the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, Malaysians, to Singapore, to Indonesia, to the Philippines, to the Japanese, and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply in what are jingoistic terms but in very practical terms, this will be immensely discouraging to the 300 million people from Japan, clear around to Thailand in free Asia. And even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas. The world will be much safer in which to live.

Strangely, in light of this resurrected rationalization for U.S. involvement in Southeast Asia, the "dominoes," to use the President's felicitous terminology, do not seem to hear the same bells tolling. No Malaysian troops fight in South Vietnam. Nor do Japanese soldiers or troops from Singapore. The few troops obtained from the Philippines and South Korea are paid for with American money. If the "dominoes" are running scared, their tread is a very soft one, and it is greased with American dollars, not our view of national interest.

Moreover, the Pentagon papers have revealed that the CIA long ago discredited the domino theory, yet that was ignored.

We have been told that the U.S. presence is necessary to insure freedom and self-determination for the South Vietnamese. Yet the regimes we have supported in that country have evidenced the same repressions we see in the very totalitarian states we condemn. Between 40,000 and 200,000 South Vietnamese are held as prisoners for their political beliefs. As I said on July 13, 1970, when the disclosures regarding Con Son Island prison were very much in the public eye:

Were Con Son Island Prison an isolated aspect of South Vietnam's governmental apparatus, some might be able to dismiss it after the ritualized rhetoric of condemnation. However, the prison is, in fact, not unique. The Thieu-Ky regime is an oppressive government, countenancing no dissent. It represses those South Vietnamese who seek a negotiated settlement to the conflict which has beset their land.

Even Vice President Ky, so deeply involved in this repression, faces being barred from running for the Presidency because of restrictive election laws. What is more, the full weight of American power is at least implicitly backing Thieu.

We have been told that our continued presence is necessary to prevent a bloodbath. The President himself said on May 14, 1970, in an address to the Nation :

When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

How have we saved the helpless people of Southeast Asia from a bloodbath?

Let us look at Laos. Seven hundred thousand refugees have been produced as a result of war-related activities—one-fourth of the population. Of an estimated Meo population 400,000 in 1960, at least 40 to 50 percent of the men and 25 percent of the women and children have fallen as war casualties. Between 1966 and 1969 Laos suffered the highest per capita casualty rate in the world, and it experienced the heaviest per square mile bombing in history. The bombing last year alone on the Plaine des Jarres has, in the words of one U.S. AID official, left "most villages and fields now almost completely ruined."

Let us look at Cambodia. It, too, has been dragged into the war. Since May 1970, the U.S. invasion has produced approximately 1 million refugees. Famine threatens because agricultural production has fallen so severely.

And let us look at South Vietnam. Some one-third of her people have become refugees since 1964. Civilian war casualties since 1965 are estimated to exceed 1 million. Dissenters are imprisoned. Inflation is rampant—30 to 50 percent per year. The culture of the Vietnamese is being destroyed in a glut of American goods and money. Herbicides have destroyed a substantial portion of her forests.

In brief, the bloodbath of Southeast Asia has been going on for years. U.S. withdrawal would not be its creator, but rather the occasion for its surcease, with asylum being offered to those who might be endangered.

We have been told that we are protecting South Vietnam from aggression from the North. There is no question that the North Vietnamese have entered South Vietnam. But "aggression" is an ambiguous term at times. In fact, there is one Vietnam. The two Vietnams are the creation of international diplomacy, not a reflection of the aspirations of the Vietnamese people themselves. Ho Chi Minh, whatever our perceptions of his leadership and the methods he employed domestically and externally, was the national leader of virtually all the Vietnamese people. Thus, President Eisenhower wrote in his memoirs, "Mandate for a Change, 1953-56," at page 372:

I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting (between the French and the Vietnamese in the 1950's), possibly 80 percent of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Di.

This, the "aggression" by the North Vietnamese was premised on the nationalistic Vietnamese movement which had been in existence for years, and which was spurred by the despotism of the Diem regime in South Vietnam.

Moreover, the Pentagon papers reveal that the "aggression" from the North was consistently fed and fueled by United States actions in the early days of the war, combined with a concerted attempt by the administration then in office to emphasize and magnify the extent of North Vietnamese incursion into South Vietnam, with the aim being to persuade the American public of facts which were highly disputable, to say the least.

We have been told that we are defending American honor. Yet this version of defending honor has cost more than 53,000 American lives. It has cost the Vietnamese and the indigenous Montagnards untold lives. The President told us on May 14, 1969, that what he termed "abandoning the South Vietnamese people" could not be because "a great nation cannot renege on its pledges. A great nation must be worthy of trust." Certainly, we have exacted a mighty price to maintain this concept of greatness.

We have been told, on May 18, 1970, by the President that the United States is "the peacekeeper of the Asian world." Yet, we stand caught in the morass of Southeast Asia while our legitimate world interests—disarmament under international control, rapprochement with the Soviet Union—lag, caught in the interstices of complex global interactions.

Thus, all justifications fail. Our military involvement in South Vietnam was a mistake—a conviction now shared by 60 percent of the American public, according to a recent Gallup poll. No interests of the United States are served by this war. Nor are the interests of the peoples of Southeast Asia—and I stress "peoples" in contradistinction to governments—in the continuation of this war.

Apart from the death and destruction suffered by the peoples of Southeast Asia and apart from the more than 53,000 American dead in Asia, what of our domestic state? The President has contended that the war was not an issue in the election last fall. I do not stop to question his political acumen. That is totally beside the point. The fact is that the war is the supreme issue for all Americans. Its taint has sullied our Nation's spirit. It has penetrated the soul of our national life.

The war has diverted some \$120 billion from our urgent domestic needs—leaving our cities to decay, our schools to deteriorate, our environment to decline. On less tangible levels—but perhaps levels with even more pernicious consequences—this war has spilt our Nation. It has shown us the tragedy of myopic fear of indigenous nationalist movements; and it has demonstrated that our military complex is largely a force unto itself, caught up in a momentum almost impossible to halt.

Surely, this tragic war has been a supreme blot upon our history. And it is equally sure that unless the course of our Nation is changed, that blot will remain and grow.

Moreover, the morale of our troops is declining with frightening rapidity. No soldier wants to be the last to die, or to lose a limb in a war



from which even the administration claims we are withdrawing. And in conjunction with this malaise among the troops, there has been an enormous increase in drug usage—a development common among the dispirited and discouraged.

Where, now, does this Nation stand? The administration claims to have a policy, termed Vietnamization.

What Vietnamization really constitutes is a cosmeticizing of the war. It is a vehicle to substitute Asian blood for American—that is the simple fact of it. American casualties will decline, as in fact they have. Thereby, the war becomes more palatable to a portion of the American public. But death is not going to end. Destruction is not going to halt. The misery of the South Vietnamese and the Laotians and the Cambodians will persist. The vaunted policy of Vietnamization is the outfitting of a group of client armies, injected into the field of battle as a consequence of U.S. interests, and sustained by American air and logistical support.

Let me cite the recent words of Admiral U. S. Grant Sharp, retired former commander of the Pacific theater from 1964–68. In an article, entitled “Vietnamization Plus American Forces,” which appeared in the January 18, 1971, edition of the New York Times, Admiral Sharp assessed the future thusly:

There will be a sizable U.S. Army presence in Vietnam for some time. . . . The longer range interdiction of the supply lines in Laos and Cambodia will be a task for American aircraft for the foreseeable future in my opinion. Aircraft based in South Vietnam and in Thailand as well as carrier-based planes must be available for this mission. Thai-based planes will include the B-52's and tactical fighter bombers . . .

Reconnaissance flights over North Vietnam must be continued in order to detect any major buildup of forces and supplies. These flights must be flown at low level to discover material that might be under camouflage. Aircraft must be ready to attack if reconnaissance planes are fired upon. The air power should be capable of renewing the air strikes on North Vietnam if that should be required, for a mere presence of this capability has a deterrent effect on Hanoi.

All of these tasks add up to a considerable amount of air power, ground and carrier based, that cannot be phased out soon . . .

In sum, Vietnamization is not a resolution of the war. It is, at best, the reduction of American casualty statistics to publicly acceptable levels. So far as the fate of the Vietnamese, and their Asian brethren goes Vietnamization only promises more death, financed with American money, mechanized with American armaments, and expedited by American air and logistical support.

It has been Cambodia's fate to be the first nation to experience the full impact of the rationales which buttress the Vietnamization policy. In Cambodia's case, and that of Laos, the policy has been carried one step further by the South Vietnamese who, realizing that if it makes sense to substitute Asian lives for Americans, then it makes equal sense to substitute Cambodian and Laotian lives for Vietnamese. Ergo, move the battle to Cambodia and Laos.

At the time of the invasion of Cambodia, a neutral nation, on April 30, 1970, by a combined United States-South Vietnamese force, the claim was made that the invasion was intended “to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs.” With that bold claim of legitimacy by the President, the United States thrust into war a nation which hitherto had managed to walk a tenuous tightrope of neutrality.

On June 3, 1970, the President delivered an interim report on the Cambodian incursion. At that time he told the American public:

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Somehow, the interests of the Cambodians became irrelevant. No matter we bombed their fields, destroyed their villages. The security of our men was the only issue, and all else subordinate.

On June 30, 1970, the President again addressed the Nation concerning Cambodia. He then told us that there would "be no United States ground personnel in Cambodia except for the regular staff of our Embassy in Cambodia." There would "be no United States advisers with Cambodian units." And:

We (would) . . . conduct—with the approval of the Cambodian government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam. We (would) do this to protect our forces in Vietnam.

While South Vietnamese forces would remain ready to respond to appeals from the Cambodian Government, the President said:

There will be no United States air or logistics support. There will not be United States advisors on these operations.

The theory had come around to reality. Now all the actors were to be Asian—Cambodians and Vietnamese against Cambodians and Vietnamese. We would provide the armaments and weaponry. Let the Asians shed the blood.

Events since that made particularly relevant the President's words of June 30, as do they make particularly pointed the barrenness of the so-called policy of Vietnamization. Asian blood is flowing. That much has been assured. But U.S. assistance is necessary in the most comprehensive forms to keep the blood flowing.

The administration acknowledged in January that broadened American air support was being provided for South Vietnamese and Cambodian troops. The Secretary of Defense tells us that the President's words of June 30 had an unstated time limit, applying to withholding direct air support from the South Vietnamese as they finished their operations in Cambodian sanctuaries "prior to the rainy season." By January the times were different, and, in the words of Secretary Laird, "We will use air power"—the term "interdiction" had been conveniently abandoned as the Secretary of Defense rejected "semantics"—"and I will recommend that we use airpower to supplement the South Vietnamese forces as far as the air campaign in South Vietnam, Laos, and Cambodia" is concerned. The deployment of giant B-52 bombers and helicopter gunships, the basing of two helicopter carriers off the Cambodian coast, the ferrying of South Vietnamese forces into combat were now legitimate exercises as far as the administration was concerned.

By January 27, the Secretary of Defense had a new line. To quote him:

Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

This was an echo from the past. Let me quote Dean Rusk's words as Secretary of State on March 1, 1962:

United States military and economic assistance and technical advice are being extended to the Republic of Vietnam at its request to assist the Vietnamese people to maintain their independence against this aggression . . .

And on February 17, 1965, President Johnson said:

Our purpose in Vietnam is to join in the defense and protection of a brave people who are under attack that is controlled and that is directed from outside their country.

We are hearing the same litany of disaster. The latest administration line does not even offer the spurious rationale that U.S. involvement in Cambodia is necessary to protect American lives in Vietnam and the Vietnamization program. Now, pure and simple, we have another ally—brought to its knees by a war we cast upon it—and unable to survive, according to the administration, unless we sustain it.

The claim of the Secretary of Defense that the administration was living within the guidelines enacted by Congress last year, because the Congress did not bar air support, is truly a posture out of Alice in Wonderland. It is as if the Constitution were turned upside down—rather than Congress declaring war, Congress' silence sanctions it. This despite the restrictive language enacted into law last year—language which provides in the supplemental Foreign Assistance Authorization Act, Public Law 91-652:

Sec. 6(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States of Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

In sum, the June 30 statements by the President were the emptiest of rhetoric. If a credibility gap existed in the past, it has now widened to gullibility gulch, and the American public is down at the bottom of it.

Where does this war end? When will the death cease? Certainly not so long as this administration pursues its course. Its exercises are aimed at making the war politically palatable, not at ending it. As Admiral Sharp says:

Thus, we see that as Vietnamization proceeds, our forces do phase down, but the American presence in the Southeast Asia area is going to be large for some time to come.

Having described the offered rationales, having described the so-called policy of Vietnamization—actually a rerun of the first year of U.S. involvement in South Vietnam, when our role was to be that of adviser and supplier—we still leave undisclosed the underlying assumptions of the American foreign policy which have led us into the quagmire of Southeast Asia.

The war is not just the product of bad judgment. Its roots lie deeper than the character of any one man, or one administration although undeniably this administration and its predecessor have set their indelible stamp on the course of our affairs in a tragically mistaken way. I think the key to beginning to understand—and to learn—lies in the words of the President on May 8, 1970. He said then:



I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, let me say that... America is finished insofar as the peacekeeper in the Asian world is concerned.

Mark those words "peacekeeper in the Asian world." In them is the core of the mistaken assumptions which guide our foreign policy, I believe. They reflect a long standing national attitude that America is the receptacle, the protector, and the disseminator of liberty and freedom.

In 1821, on the 45th anniversary of the signing of the Declaration of Independence, John Quincy Adams told the Nation:

Wherever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions, and her prayers.

Of course, in 1821 ours was a weak Nation, and Mr. Adams continued:

But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

Today, we have the strength to destroy monsters—and where they do not exist, we create them. We intervene in a civil conflict in Vietnam so that the South Vietnamese may have the benefit of self-determination, no matter what price they pay for what we want them to have.

Under the guise of our role as protector of freedom, much of our foreign policy is justified. The difficulty is the way in which we define that freedom and the compromises we condone in the name of stability for the sake of that some time future when the democratic process will replace the dictatorships we support today.

So whatever coloration the administration chooses to cast upon its actions, it is not peacekeeping which is afflicting the peoples of Southeast Asia. It is war, pure and simple.

In the last year, finally, significant congressional debate on the war and on foreign policy premises and implications inherent in our involvement in Southeast Asia finally began to build up. This was debate which I and a few others first opened years ago, when the deaths were still few and optimism for a quick resolution still feasible for some. At that time, when I voted against the first supplemental appropriation bill for the war, I said, on May 5, 1965:

The situation in South Vietnam is not simply a case of aggression from North Vietnam. There is no doubt that North Vietnam is aiding the guerrillas in the South. This fight, however, is also an internal struggle which has been created in part because of the social and political conditions within South Vietnam. In short, it is a political as well as a military effort. The response to the threat in Vietnam has been overwhelmingly military, as was the response of the French in Indochina and Algeria. The population in the countryside does not support the Government of South Vietnam; and it is not a stable government. We cannot bomb people into democracy, nor can we bomb people into negotiations.

At unofficial congressional hearings on Vietnam, which I held on August 12-13, 1965, in New York City, I said:

We are told that we are in the war. If it continues it is likely to be a long war, a frustrating war, and an increasingly cruel war. Gas and napalm have already been used and atrocities increased. Villages whose support is sought by both sides have become casualties.

There is no satisfaction for me that my prophecies then have come to reality since. But there is real hope in that the debate of a few of us has grown to become the debate of the majority of Americans.

So, first, this debate must be continued, and it must be conducted at every opportunity. This debate must occupy the Congress, and it must occupy the country. The voices of the public must be heard—and I would point out that the latest Gallup poll reveals that 73 percent of the American public now favors withdrawal at the latest by December 31, 1971. We have turned the rhetoric around from the early days, when the proponents of the war spoke of victory. Now even the administration disavows a military victory—at least in terms of its rhetoric. By increased public pressure, it can be made to forswear as well the actions which reveal that it continues to seek a military solution—its public statements notwithstanding.

Second, the Congress, buttressed by public pressure, must finally exercise its powers. The Constitution has placed in the Congress the authority to declare war. It has never done so. Yet, admittedly, it has approved, over the protests and votes of only a few of us, funds to fight the war in Southeast Asia. In doing so, it has abdicated its responsibilities. It has lain supine, surrendering its authority and its constitutional mandate to executive fiat.

These hearings offer an opportunity to reverse this process. This committee can report out legislation—such as the Vietnam Disengagement Act, of which I am a sponsor—bringing an end to the war.

Now, I realize that the problem of prisoners of war—a very real problem—does exist. However, it just does not make sense to argue, as the administration does, that U.S. forces will remain in South Vietnam until the prisoners are released. Our continued presence only insures their continued imprisonment, as well as does it insure the addition of more men to the captured and missing in action lists.

Third, we must work to defeat every appropriation bill which provides money for the war. Sometime this fall, the fiscal year 1972 appropriations bill for the Department of Defense will be before the House. All moneys in that legislation for the war must be defeated. The affirmative support of that end by this committee can significantly help in achieving that end.

Fourth, the negotiations in Paris must be pursued vigorously. There is good reason to believe that a negotiated settlement is possible. The North Vietnamese and the National Liberation Front have, in effect, made clear that in return for setting a date of withdrawal all prisoners of war will be released. Thus far, the administration has failed to encourage or pursue such avenues. I say it must.

The final answer is so starkly simple, yet so tragically remote. We must have peace. Southeast Asia must have peace. We have fought a misguided war for mistaken ends. We have exacted a price which cannot be repaid—ever. Now—finally—we must stop. We must have peace.

Mr. GALLAGHER. The subcommittee stands adjourned until 2 p.m. tomorrow.

(Whereupon, at 5:35 p.m., the subcommittee adjourned, to reconvene at 2 p.m. of the following day, Wednesday, June 30, 1971.)

# LEGISLATION ON THE INDOCHINA WAR

---

WEDNESDAY, JUNE 30, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 2:20 p.m., in room 2172, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

Today the Asian and Pacific Affairs Subcommittee begins its fifth day of hearings into resolutions and bills relating to the war in Indochina.

I think I can speak for my colleagues on the subcommittee when I say that the hearings thus far have been very useful to us in our deliberations over ways to bring the tragic conflict in Indochina to a conclusion. There is still, I suspect, a lively disagreement among us over whether a date certain resolution passed by the Congress is the best manner to speed the end of our involvement.

But in virtually all other areas, particularly in the desire to see the war end as expeditiously as possible, we are in substantial agreement. We all want the war to end, we all want the killing of both Asians and Americans to stop, and we all want to find a way to make sure American prisoners of war return to their loved ones here in America.

We were scheduled to have five Members of Congress testify today, but Congressmen Harrington and Stratton found other engagements more pressing. Therefore, we will hear from Congressmen Fraser and Keith.

First we have our distinguished colleague, a member of the House Foreign Affairs Committee, the Honorable Donald Fraser, Democrat of Minnesota. Mr. Fraser is now chairman of the Subcommittee on International Organizations and Movements, and is doing an outstanding job on that, as he does in all his work in the Congress.

Mr. Fraser has been opposed to the war in Indochina for many years, and I am sure his testimony will be helpful to this subcommittee.

I am glad to welcome you here this afternoon.

## STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRASER. Thank you.

First, I want to thank the chairman and the members for permitting me to testify.

Second, I want to thank you for holding these hearings. I think these are the first formal hearings held on the subject of Vietnam policy



held by the committee or any of its subcommittees since the war began.

As you will learn shortly from my statement, I am not going to try to elaborate the reasons why I think we should get out, but simply to urge one particular proposal on you.

One of the most urgent tasks facing Congress is the reestablishment of constituent belief in a viable congressional system of oversight. Clearly, in relation to the conduct of the Indochina war, many of our constituents feel that Congress as an institution, and Congressmen as individuals, have failed to fulfill clear constitutional obligations.

At this very moment we need accurate, hard information on what is actually happening in Vietnam. We need to know whether or not Vietnamization actually has a chance of succeeding, or is simply a public relations ploy; whether or not the South Vietnamese military is capable of maintaining and using sophisticated equipment if we turn it over to them; and what the dangers are to the U.S. troops who remain while the South Vietnamese take over their own defense.

In short, we need to determine the reality of what we are asking the American people to support in the name of Vietnamization.

To this end, I am requesting that this committee bring before it as a witness Col. David H. Hackworth, a veteran with 25 years in the Army and 5½ years' combat experience in Vietnam.

Colonel Hackworth has recently submitted his resignation from the Army and is in Saigon finishing his tour of duty. He is possibly one of the most decorated officers on active duty. He holds two Distinguished Service Crosses, nine Silver Stars, nine Bronze Stars for valor, four Army commendation medals for valor, eight Purple Hearts, and has commanded 11 companies and three battalions.

His last assignment was as senior adviser to the commander of the 44th Special Tactical Zone, a four-province area in the Mekong Delta, which is the richest and most heavily populated area of Vietnam. He has worked all over South Vietnam, both as an adviser to the South Vietnamese and as a U.S. troop commander, and he has stated publicly, contrary to views expressed by many senior Army officials, that the war is irredeemably lost.

Although I have no idea whether or not Colonel Hackworth's perceptions on the origins or the course of U.S. involvement in Vietnam coincide with those of us who have been critical of U.S. war policies over the past few years, I feel that we urgently need the quality of the information he can provide us. For too long, congressional analysis of the war has been based on military handouts. Congress cannot continue to make judgments on the basis of third- or fourth-hand information.

If we are asked to support the President's plan for withdrawal from Vietnam based on a policy of Vietnamization, we need to hear from those who have seen Vietnamization in operation and who feel, as Colonel Hackworth expressed it, that Vietnamization is a public relations man's dream.

He has publicly stated that the entire organization of the South Vietnamese army has been wrong, that it has not been designed to fight the guerrilla fighter, and that the United States has given the Vietnamese a lot of equipment that they are simply incapable of using and maintaining.

He has also predicted that by late 1973, "we'll see the enemy demonstrating the same power as he did in 1964-65" when government forces were losing a battalion a week.

He has also revealed that a study group from the Pentagon, of which he was a member from 1967-68, concluded that 15 to 20 percent of United States and South Vietnamese casualties were the result of friendly fire.

If we are to continue voting funds for the winding down of the war via Vietnamization, it is my opinion that we need full disclosure of what the situation really is in Vietnam. I have been told that Colonel Hackworth has been instructed by the Army not to speak out further on the declining situation within the South Vietnamese military.

As a self-governing people, we need to know whether this is a war we should have fought and must now go on fighting. If the Army feels the need to prevent Colonel Hackworth from making his views public, then in the interest of the public's right to know, this committee should serve a subpoena to Colonel Hackworth so that he might appear before this congressional hearing. I appear today to request the committee to do so.

As this subcommittee knows, I have favored withdrawal of U.S. forces from Vietnam at the earliest possible date. I hope the subcommittee will report a bill or resolution which will have that as its purpose.

To the extent that the subcommittee wishes to develop a factual record with respect to the war, it is essential that this subcommittee, along with the full committee, actively seek out those who can offer views based on first-hand experience which contrasts with the official line of the U.S. Government. Only in this way can the Foreign Affairs Committee discharge its responsibilities to the American people. Thank you.

MR. GALLAGHER. Thank you, Mr. Fraser. I certainly concur with you that Colonel Hackworth is possibly, if not probably, the most decorated officer on active duty. From what we have read about him, he possesses outstanding credentials to discuss the point you have so ably made today.

I will be happy to instruct our staff to contact Colonel Hackworth. I think it is a splendid suggestion on an individual whose viewpoint this subcommittee should become familiar.

MR. FRASER. You may have some problem getting him here, but you can cross that bridge when you come to it.

MR. GALLAGHER. Right. I know your position generally, Mr. Fraser, on the point which you have made before this subcommittee. I concur that it is valid and would be useful.

MR. DU PONT?

MR. DU PONT. Thank you, Mr. Chairman.

Mr. Fraser, I would like to associate myself, first of all, very strongly with the second paragraph of your comments about the need that we have for hard information as to what is happening. In my brief tenure in the Congress I have been working to develop such information.

As I am sure you know, it is not easy to develop, but if we are going to have to make the decisions that we were elected to make, we have to have a lot better information than we have had.

I am hopeful that Mr. McCloskey's and Mrs. Abzug's efforts to present resolutions of inquiry will have some effect. Already they have resulted in some information forthcoming that was not available before.

I would just like to compliment you and concur in your second paragraph and the goals that you state there.

I have only one question: Recognizing that you have long felt that we should not be in South Vietnam, how would you handle the next Vietnam? What rules or limitations or courses of action would you recommend to see that we don't get in this kind of a serious situation again?

MR. FRASER. I think there are several reasons why Vietnam has proven—that is, our involvement has proven—to be a mistaken policy. I mention that because it relates to what I think the future policies of our country ought to be.

I think it is very difficult to identify any substantial national interest of the United States in South Vietnam. It represents an area with a population of 12 to 14 million people. If one were to pick out a country in the abstract and say: What country in the world is probably least important to the security of the United States? You might well conclude it was Vietnam.

It is about as far away as you can get from the United States. It is about equidistant, whether you fly east or west. It is a poor country. It could not produce a sophisticated gunboat. It adds little or nothing to the so-called Communist world in that the population of China grows more each year than the total population of South Vietnam.

Thus, what happens in South Vietnam cannot be considered to be of importance to the security of this country. I think that is the first conclusion I have reached.

The second point is that when we insert ourselves into an indigenous struggle in which there is a high ideological content, and elements of a civil war, I think inevitably our presence is going to create as many or more difficulties than we could solve by our presence.

We don't know how to fight guerrilla wars. It may be that inherently, from the outside, we cannot acquire that capacity, although that is obviously a statement that needs to be qualified. But what is clear to me, and what became one of my first disillusionments with the war policy, was that clearly we had no feel for what it means to be fighting an enemy with a strong ideology.

Ideology in this country is almost absent from our politics. We are a very bland nation politically, very pragmatic, and we fail to understand that people do die for ideologies. We don't understand the consequences of that.

The Army apparently has no training or experience to deal with this. In fact, there is no agency in Government, outside of the CIA, that bears responsibility for that. The CIA was given responsibility for the political problems abroad. The difficulty with that is that they are covert and limited. They are very good in many ways. I think they are run down too much when in fact it is really one of our more perceptive agencies, but there is not enough learning going on on how to deal with civil or insurgency-type wars.

I might add one last factor, and that is my impression from looking at the world that revolution is not exportable. In this we have the



support of the views of Mao Tse-tung, who also agrees that revolution is not exportable.

There is no nation in the world that has gone Communist, outside of the countries in Eastern Europe where the Red Army was involved, in which the external role in either generating or supporting the insurgency was of any major or substantial consequence. That is true whether you look at the Soviet Union, China, North Vietnam, or Cuba, whatever.

The external role is virtually missing. Where there has been an external role, it has failed. Perhaps the most dramatic effort was Che Guevara in Bolivia.

So we don't understand these efforts because we don't live these kinds of political lives. Our understanding is quite different.

What this adds up to in my point of view is that we ought not to get involved where we don't have an important security interest; and secondly, where there is a civil war. We need not be concerned, in my judgment, about the export of revolution. It is not an operating reality in the world today.

So if we would apply those standards to future policy decisions, I think we would successfully stay out of Vietnam.

MR. DU PONT. I am sure you meant, in making that last statement, that we would not become involved militarily. I assume in a situation such as Pakistan and Nigeria, that you would favor, by and large, some kind of humanitarian or economic assistance where appropriate.

MR. FRASER. Well, yes. I am really talking now about the direct intervention of U.S. military forces. Whatever kind of role we might play in economic or even military assistance or humanitarian aid are questions which I think need to be settled on a case-by-case basis. But if we know what we are doing, they needn't pull us over the brink into direct involvement.

MR. DU PONT. Thank you.

MR. GALLAGHER. Mr. Wolff?

MR. WOLFF. Thank you, Mr. Chairman.

I want to add my words to those of our colleagues here, words of approbation for your leadership in challenging our position in Vietnam, always with great courage.

I wonder if it has reached you that Troung Dinh Dzu, who placed second in the last presidential election in Vietnam, and Congressman Chow, a member of Congress in Vietnam, have been transferred back to Conson Prison.

MR. FRASER. I don't recall reading that.

MR. WOLFF. It has not been in the papers yet, but I was recently availed of this information and I am trying to check it out with the State Department. It is an obvious attempt to take these people out of the political arena preparatory to the October elections.

On the question of elections, we seem to have added a new dimension to the conditions for withdrawal; that of not only the safe return of our prisoners—and I think every Member of Congress subscribes to that—and the safe withdrawal of all of our troops, but now support for the present regime in South Vietnam.

I wonder if you would comment for a moment on the new election law and what you think of the forthcoming elections in Vietnam; whether they will contribute to our speedy withdrawal from Vietnam,

whether or not you have any preconceived notions as to the elections, and whether they will have any impact at all.

Mr. FRASER. I had two opposite reactions to the change in the electoral law. One was that it seemed wrong that there should be this apparent manipulation of the requirements in order to qualify as a candidate. On the other hand, one of the reasons I thought that the present regime won was that under the electoral law of Vietnam, you only had to have a plurality.

There was no provision for a runoff, and if you had a proliferation of candidates, it seemed to me it might very well benefit the person who had command of the governmental machinery which President Thieu has.

To the extent that the change in the electoral law would prevent a proliferation, it seemed to me it might actually turn out to present a direct challenge to President Thieu, and in that sense, perhaps, a more realistic choice for the voters in Vietnam. But one perceives that possibility only in anticipation. I don't think we know yet what the final impact of that will be.

I have had the impression of Vietnam that a lot of the Vietnamese regard the election as an American-imposed exercise which does not have a great deal of meaning for them. This is a matter, I guess, the Vietnamese themselves are going to have to work out.

Mr. WOLFF. In your statement, on page 3, you said that "It is essential that this subcommittee, along with the full committee, actively seek out those with views based upon first-hand experience."

I am leading you to a question relative to the elections, and to a resolution that I have pending to send an observer team to South Vietnam to look at the elections: not to participate in the elections, but just merely to observe and report back to the Congress. How would you feel about that?

Mr. FRASER. Well, I have to come down on the side of saying that the more facts, really hard facts, that we can get, the better judgments we can make. If we can send people to Vietnam with sufficient resources and sufficient time so that we could have some confidence in their ability to give us an honest reading, not just of the vote count but of the total context in which the election takes place, I think it would be important so long as we continue to be involved there.

So with those qualifications, I would very strongly favor it.

Mr. WOLFF. One final question: Recently the President indicated in a press conference, and I quote: "Our goal is total withdrawal." How do you feel about that statement?

Mr. FRASER. Well, I have to say that I am skeptical of it. The President has identified two additional objectives. One is to secure the release of the prisoners, and I understand that is now a subordinate objective. The other is to stay there long enough to enable Vietnamization to give the South Vietnamese a chance, whatever that means.

This is what worries me. I fear that that may mean a prolongation of our involvement.

Mr. DU PONT. Would the gentleman yield?

Mr. WOLFF. Yes.

Mr. DU PONT. Mr. Fraser, several witnesses before the subcommittee have made that comment, and I would like to say that that is not my impression. Perhaps I read it differently. My impression of the Presi-

dent's position is that the withdrawal from South Vietnam should be accomplished at such a pace and in such a fashion as to give them an opportunity to take over the reins and, thus, survive as a free people.

As I interpret the remarks that the President has made, this simply means that having gotten in, we are going to get out not precipitously so that chaos would develop, and so that there will be an opportunity for them to take over the control of their own destinies, if you will, but this would not in any way impinge on the total objective of overall withdrawal.

MR. FRASER. Isn't the essential question the time frame? In other words, the President's policy could leave a residual force, and it has often been commented that there may be a residual force of 50,000 that may stay there quite a while.

I have the recollection, but not the certainty, that Secretary Laird has said that naval and air power may remain a factor for quite some time to come. What this all suggests to me is that certainly the President hopes ultimately to disengage totally, but only when he is satisfied that the South Vietnamese either will survive or have a reasonable prospect of survival.

I must say I would not quarrel with even that policy position, except that it is my impression that the factors that will determine whether South Vietnam survives are intrinsic to the Vietnamese society itself, and that a continuation of our presence is not likely to strengthen those qualities. They are going to have to come from the need to be self-reliant.

We have been engaged in Vietnamization since 1955, really.

MR. DU PONT. My feeling is that they are being given a chance to survive as a free people at a withdrawal rate of 12,500 troops a month, and that is about how much time they have. The objective of giving them a fair chance of taking over the war will not be allowed to impinge on the ultimate aim of withdrawing.

I just add that as a qualifier.

MR. FRASER. Let me say that if we totally withdraw our troops, if we continue to use airpower, sea-based or land-based, out of Thailand. I think that would not be in the interests of our country. At the moment, I must frankly say that I am in many ways more concerned about our own country and the damage that is occurring here as a result of the continuation of the war. I don't think the offsetting advantage to the South Vietnamese chances of survival are sufficient to justify that.

MR. DU PONT. Thank you. I thank the gentleman for yielding.

MR. WOLFF. On the score, I would like to make a comment on the statements made by both the gentleman before us and Mr. du Pont as well as a comment about a statement that was made to us yesterday in another subcommittee by a commander of the Veterans of Foreign Wars, who said that he would stop the withdrawal now to insure the return of the prisoners. How he will accomplish the safe return of our POW's by that route. I do not know.

On the statement that the President is going to continue his withdrawal policy of 12,000 per month, it has been indicated that we will retain a residual force. Further on in the statement that the President made during a recent press conference, he said that the qualifications for our withdrawal are:



1. release of the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia ; and 2, the ability of the South Vietnamese to defend themselves against a Communist takeover."

I think that we, as a nation, are entitled to know how long he will give the people to prepare themselves against a Communist takeover. We do know that Koreanization has taken 25 years. I think Germanization has taken somewhat longer, and we still have not been able to remove the residual forces that we have had from those areas.

The question is not, I don't think, the fact that we are going to continue at a pace of 12,000 a month, but there will be some point at which this will stop to keep a residual force, according to whatever plan there has been set, to insure the safe return of the prisoners and the safety of the South Vietnamese Government.

Now, I do have faith. I feel very strongly that the South Vietnamese are not Communist, the major portion of the people there; if an election were held tomorrow, a free election, a truly free election were held tomorrow, these people would not vote for communism but would vote for freedom. I don't think they need very much urging on our part to do that.

Even though we are there protecting them, as was quoted once before, "that we had to destroy a village to save it", I think that we do not have to destroy Vietnam to save it. I think the people would like to save it themselves.

I thank you, sir.

MR. GALLAGHER. Mr. Fraser, I was fascinated, as you were, by some of the things that Colonel Hackworth said. I was just interested in what your reaction may be if I played the national game of "scenario." It seems to be a major spectator sport in this Nation now.

I would like to know your reaction. Suppose Colonel Hackworth is perfectly correct. Suppose the administration knows it. Suppose also that the administration knows and agrees with all of the criticisms of the government of Thieu-Ky.

Suppose it, under the policy of Vietnamization, cannot only not hold the country after the troops leave, but there is also real doubt in the minds of the architects of our policy that the South Vietnamese cannot even provide a shield for departing American troops.

What I have tried to do in this scenario is construct a set of conditions which most of the members of the peace groups really believe. The only difference is that I have put in the additional factor that the administration believes exactly those same points.

Given the Executive's responsibility for the lives and safety of the departing troops, do you think it is advisable to remove the only variable that now exist by publicly announcing a date for withdrawal. In addition, would you remove the only counter we have in a power crunch, which may come, by limiting American firepower, which is happening each month as we withdraw the troops. Would you look with favor upon a knowledgeable and much decorated officer such as Colonel Hackworth, if he came before this subcommittee and began really cracking the facade of confidence which may well be the only thing that could convince the troops of Thieu and Ky's government to fight sufficiently long to protect our withdrawal, which is the whole purpose of this exercise: getting the American troops out of Vietnam?

I would be interested in your comments on that.

Mr. FRASER. Let me say first of all, I don't know what Colonel Hackworth would say if he is called, and would not want to endorse everything he would say as gospel.

Mr. GALLAGHER. Basically, he said Vietnamization can't work and we know it can't work, and the war continues to be fought the wrong way.

Mr. FRASER. Let me touch on that. The real point I am trying to make is that I think it is essential, and I think it is true of our committee generally, not just the subcommittee, to deliberately seek out those qualified by experience who are prepared to challenge the conventional wisdom or accepted policies.

I think we have to have that kind of discipline of challenging our own beliefs. But to set that aside, I regret that we did not seek to negotiate an end to this war a long time ago. My own view is that our capacity to negotiate anything except the return of prisoners and the safe withdrawal of our troops is about all that is left; that is, we are each day in less of a position to bargain, and I think that the only thing that we can hope to bargain for realistically is the safe withdrawal of our troops and the return of our prisoners of war.

I think we can do that; that is, if the President decided that he wanted to get out by the end of this year, I have not the slightest doubt that he could find ways. Either by negotiation or just through military redeployments, he could effect the safe removal of our troops. I have never believed that to be a problem.

I don't like to impugn the President's motives. His conjecture on my part, but I must say that I have a feeling or belief that this President is doing about what the other Presidents have done. They have temporized with the choices and not faced up to them. They have temporized with them in the context of the domestic public opinion as they think it exists today, and as they think it may exist after the events.

This is one of the tragedies of the way we conduct American policy. I really think that if the President faced up to this issue and didn't worry about the 1972 elections, he would then conclude that it would be well to move out.

Mr. GALLAGHER. Thank you very much.

Mr. WOLFF. Wouldn't it seem logical that with 260,000, or whatever the number is that we have there now, it would be much easier to protect the withdrawal than when we are down to 50,000?

Mr. GALLAGHER. If we brought them out immediately, it probably would be easier. But at some point there will be 50,000 left, or 30,000 or 20,000.

Mr. FRASER. I don't think that North Vietnam would have an interest in attacking troops that were clearly destined to leave. I can't conceive of that serving any interest of theirs. I would, in any event, think that we could negotiate that.

Mr. GALLAGHER. Thank you very much, Mr. Fraser.

Our next witness today is Congressman Hastings Keith, Republican, of Massachusetts.

Mr. Keith came to Congress in 1959 with many of our distinguished colleagues, and he has made a record of conscientious and dedicated service.

It is a pleasure to welcome you here this afternoon, Mr. Keith. We will be pleased to hear your testimony at this point.

I might say that Mr. Keith has also gained firsthand experience in Vietnam as a member of a congressional study team that went there and came back with an excellent report.

## STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

MR. KEITH. Thank you. I am particularly pleased that you made reference to the report which was written upon our return from Asia about a year ago.

I have a prepared statement which I would be happy to read. It is one that has been a long time in my mind. Or, I could submit it for the record and paraphrase.

MR. GALLAGHER. Whichever you would like.

MR. KEITH. I would like to start, if I may, to read it. If it is helpful. I would appreciate your interposing questions from time to time.

I appreciate the opportunity to appear before this distinguished committee and to address myself to its deliberations into how we can best extricate our Nation from our involvement in and about Vietnam.

In military tactics, a withdrawal movement is generally recognized as one of the most difficult of maneuvers. Its success or failure in Southeast Asia will influence not only the fate of all Pacific nations, but of all Americans for generations to come. As a Congress, we must contribute, if we can, to the debate and help find and support a course of action that will bring peace for this generation.

Throughout my 12 years in the Congress, I have found abundant cause and precedent to support our President in Vietnam and in other matters of foreign affairs. I have done so in loyalty to our country, faith in the executive branch, and acceptance of Harry S. Truman's admonition that, in foreign affairs, politics must stop at the water's edge.

This does not mean that I have not been concerned that Congress has not involved itself more deeply in foreign affairs. Nor does this mean that I have not been concerned that the executive branch has failed to provide us with the necessary intelligence with which we might better exercise our constitutional responsibility to share in foreign policy determination and decisions.

A year ago, after participating in the factfinding mission of the Select Committee on U.S. Involvement in Southeast Asia, I wrote views supplementary to that committee's final report. Among them were these:

Complete and factual information on our overall military posture and national foreign policy strategy is essential if Congress is to vote intelligently on these matters of grave national and international concern.

The Tonkin Gulf resolution which made possible commitment of significant numbers of U.S. combat forces to the Asian mainland resulted from very brief and inadequate debate: a debate which failed to bring out what such a course of action would mean to us in the years to come.

In recent years, congressional rules and customs have inhibited extensive foreign policy debate; but that appears to be changing, with



Congress becoming more involved in foreign policy and beginning to discuss its details in full.

Against this background, heightened by unauthorized publication of the "Pentagon Study on the Origins of the Vietnam War," I congratulate you, Mr. Chairman, for calling these hearings.

These Pentagon papers have pointedly revealed that, in connection with the Vietnam problem, the executive branch did not provide Congress with information essential to intelligent exercise of its foreign affairs responsibility. This revelation has provided abundant cause to speculate that, had such hearings as these been held a decade ago, we might well have avoided the national tragedy to which our Vietnam involvement has brought us.

It is, however, not my purpose to attempt to assign blame: to do so would be to compound the tragedy and render a great disservice. Our country already suffers enough division, enough distrust of leaders, and enough disrespect for our system.

Our purpose, then, must be: How best to pick up the pieces, cement the differences, reassure our people, restore unity, get out of Vietnam, and assure peace abroad and tranquility at home. In short, we need reconciliation of peoples in order that we have the reconciliation of governments from which, hopefully, will come a world at peace.

We in the Congress must summon the bipartisanship essential to the statesmanship required to achieve these worthy goals.

We, as Americans, must continue to be tolerant of other Americans so that we can expect tolerance of the other nations of the world. While maintaining the integrity of our democracy and our free enterprise system, we must seek to understand the views and ideologies of others. We must purposefully seek to find areas where we can work together effectively, not only to move money and manpower, but to increase areas of personal and national understanding.

Even while remaining in Vietnam, we are discussing joint space ventures, strategic arms limitation, and Middle Eastern peace with the Soviet Union. Even while remaining in Vietnam, we are relaxing tensions with mainland China. Consider, gentlemen, what we might be able to achieve in such critical matters once we have removed ourselves from the Vietnam conflict.

This is not to suggest that I have altered my longstanding belief that, in dealing with established adversaries, unilateral action is neither the prudent nor proper course: quite the contrary, I continue to believe that for us to withdraw from South Vietnam without providing South Vietnam with the means of self-defense would invite greater tragedy for Southeast Asia, and I continue to believe that unilateral disarmament would invite disaster for the world.

I am aware that, while we must forever negotiate from a position of established strength, we do possess that strength, and we do possess the means of monitoring sensible, workable agreements based on a proper *quid pro quo*.

It is our possession of such capabilities which has made possible our real progress in the strategic arms limitation talks with the Soviet Union. It is our possession of such capabilities which has made possible our real progress in President Nixon's program of planned and orderly withdrawal of our forces from South Vietnam.

Gentlemen, the League of Nations failed, as we knew, and the United Nations has certainly been inadequate; but I am thoroughly con-

vinced that we must keep on trying to make way for attainment of world peace through world law—the ultimate of the “parliament of man.”

I am convinced that the vitality of this ultimate condition of the world increases in direct proportion to increases in improved internationalization of some of the world's resources. For example, in oceanography, satellite communications, and in science and technology in general.

It is, of course, perfectly well established that the era of international living has long since arrived. What a wonder it is, for example, that, as a Member of Congress, I can move from Capitol Hill business this evening to my assignment as a congressional adviser at a Disarmament Conference in Geneva, Switzerland, and be back in my district in Massachusetts in time to participate in Fourth of July observances on Monday.

As we commemorate our national birth in freedom, as we contemplate a world of peace, we can use the resolution of the Southeast Asian problem as a major building block in the long road to furthering the cause of freedom.

As I stated upon my return from my participation in the congressional factfinding mission to Indochina a year ago, I am convinced that the Nixon doctrine of shared responsibility is accepted by Asian leaders. I am equally convinced, however, that a major gap exists in the realistic applicability of the logic of the Nixon doctrine: the gap being that an effective regional defense organization is 5 to 10 years away. Yet, U.S. combat forces will and should be out of the area long before that period.

Some of you gentlemen may recall that on June 17, during the debate on the Nedzi-Whalen amendment, I proposed an amendment which would call for the international commission to do the following:

Supervise an agreed-upon cease-fire in Vietnam.

Supervise arrangements for release and exchange of all prisoners of war.

Supervise South Vietnamese elections that would assure participation by all South Vietnamese individuals, parties, and groups. These elections would include persons who had supported, or served with, the Vietcong provided they renounce violence and are willing to abide by the elections results.

If such elections should bring about a government other than the incumbent government, the commission, to the extent necessary, would have the responsibility of facilitating the transition period.

As some of you may also recall, I did not attempt to introduce that amendment because the Parliamentarian advised me that it would not be germane to the Nedzi-Whalen amendment. I do submit, most respectfully, that such a proposal is germane to your task of considering how best to end the war in Indochina.

I do so with the reminder that, in connection with the Nedzi-Whalen debate, our distinguished colleague from Illinois, Mr. John Anderson, made the point that the Foreign Affairs Committee would be the proper forum for consideration of my proposal.

My suggestion, gentlemen, is that peace can best come to Southeast Asia through an international sharing of the problem. This must be-

gin with recognition, by the nations of Southeast Asia themselves, that they hold prime responsibility for that peace and its potential stability that could result.

I believe that, if such a commission is not established, our moving out of Vietnam could create a vacuum into which dissident, subversive, and other hostile elements could move. Such elements, if successful, could destroy the possibility of realizing the high purposes for which, to date, more than 45,000 American servicemen have given their lives and for which more than 300,000 other American servicemen have been injured, wounded, or maimed.

If you gentlemen should ascertain that there is a possible legislative approach to realization of my proposal, I would respectfully propose that you take it. If that be impractical, I would suggest that provisions be made to note it in your report and for further discussion on the floor of the House and in the parliaments of other interested nations.

Thank you.

Mr. GALLAGHER. Thank you very much, Mr. Keith.

I am very happy to have you with us this afternoon. This subcommittee, as well as the full committee, has long been aware of the outstanding work you have done in the search for a rule of law in the international community.

In connection with your amendment calling for an international commission, who do you believe should be part of that international commission? Should it be within the United Nations, or another international commission?

Mr. KEITH. I recall on an earlier trip to Vietnam discussing this with Cabot Lodge. His frustration was that the United Nations had not taken a more positive role in this. I am afraid that nothing that we can say or do here would at this time make it possible for them to take it up.

There is in existence a group called together in, I would say, about April of last year by Mr. Malik, who is the Foreign Minister of Indonesia. They had 15 or 16 nations that met in Indonesia, in that area at any rate, for the purpose of discussing their response to this problem. I think Mr. Malik sort of hoped that they might take some part. This was their response to the enunciation of the Nixon doctrine.

In my discussions with him, and with the Prime Minister in Singapore, and with people in Thailand, I found that they were unwilling to; but they nevertheless do have an organization which is now called, I believe, "the Jakarta Three." It is Malaysia, Japan, and Indonesia.

That would be the ideal, in my view. But we are not going to have that ideal because it would not be bought by the North Vietnamese. So I think in your report you might make some reference to the role that could be played, not only by the Jakarta Three and the other nations they represent, but by North Vietnam, China and Russia. The latter two who are the ones who, perhaps behind the scenes, have been sympathetic to, or at least in one way or another have supported the North Vietnamese.

The essential ingredient is that these be truly free elections, and that those who do participate agree to abide by them. We don't want to have a repetition of what took place in Warsaw in 1947 when our Ambassador there resigned in protest over the lack of free elections.



If we could have a commission made up primarily of Southeast Asia nations, but participated in as well by the big powers. I would have no qualms about the participation by the Communist countries.

Mr. GALLAGHER. I think it would be a fine idea if such a commission could be established. Obviously, as we look down the path, there is going to be a great need for such an international body to assume responsibilities of a referee in some of the developing states where problems exist and will continue to exist for some time.

I think it is also very sad, and one of the other tragedies of Vietnam, that the United Nations has never been able to take an active role or has refused to take an active role. Many times the various administrations have called upon them and found that the phone was never answered.

Mr. KEITH. If the chairman will permit, I think that is one of the reasons why the Congress is looking less favorably upon our support of the U.N. role in an international society.

Mr. GALLAGHER. Yes; I fully agree with you. That is a very significant point. Mr. du Pont?

Mr. DU PONT. No questions.

Mr. GALLAGHER. Mr. Wolff?

Mr. WOLFF. I just want to ask whether or not the commission that you would like to set up for the elections that are to be held in October or future elections that will be held?

Mr. KEITH. I think it would be unrealistic to expect such a development in time to supervise the October elections. At the time that I first conceived this it might have been. But I would say that if we have a continuing presence there after these elections—and there appears to be a great urgency domestically and worldwide in further hastening our withdrawal—we could agree to withdraw immediately upon creation of such commission with elections to follow in a proper timespan to make the necessary preparations. I would think that, perhaps, a year would be a proper timespan.

Mr. WOLFF. Certainly I feel that the recommendations that have been made by the gentleman are very valid ones and deserve very serious consideration by this committee. I thank you.

Mr. GALLAGHER. Mr. Whalley.

Mr. WHALLEY. Thank you, Mr. Chairman.

It is good to see you, Congressman Keith.

I think the international commission would be great. It has puzzled me many times why the 126 nations of the United Nations have not been able to get positive action in Vietnam. Did you have in mind not fighting immediately on the creation of a commission? How would you do that unless you had a U.N. force step in? Is that what you had in mind?

Mr. KEITH. Yes, they would have a peacemaking, peacekeeping role. Immediately upon creation of that commission and its being constituted in the way of a military government or civil affairs unit occupying a nation at conclusion of hostilities, the commander of that occupying force would publish a proclamation and the government of that country is in accordance with that proclamation from that point on.

That would be the procedure that would be followed. Immediately upon that creation, we would agree to withdraw all of our forces, including our support forces.

Mr. WHALLEY. I think it is a good idea, but how would you go about getting this commission immediately?

Mr. KEITH. I don't think you could get it immediately, but you could get an agreement to establish it as of a particular date. There have been similar precedents. In other drawn out conflicts not resolved with a victor in the usual sense of the word, provision has been made for an immediate form of administration and government.

Mr. WHALLEY. The people of the country apparently were not satisfied with the buildup of from 600 in 1961 to 540,000 in 1969, nor are they apparently satisfied with the withdrawal of 300,000 troops in the past 2 years. They want fast action. Apparently the entire world is pretty much fed up with the war.

The idea is great, but how in the world do you get it started quickly? Could we have a special session of the United Nations?

Mr. KEITH. If you could get some support for this in the major powers of the United Nations. I doubt that you can. You do have this Jakarta Three from this Indonesian conference. As a continuing organization it could be encouraged to take the international commission idea under advisement, perhaps with economic assistance to the area as contrasted to a unilateral role on our part.

In reading my report on our last year's Vietnam visit, you would discover that the Southeast Asian nations have not done their share in the economic assistance that must accompany the military assistance, particularly in the days that are ahead of us. Japan, which could participate in this economically, not militarily, has a great deal to gain by stabilization of this area.

I am not really optimistic that this is going to become a reality as a result of my presentation of a case here. But as we and the world become frustrated with the instability that could come to that area, it is possible that something could trigger the creation of such a commission.

As I said in my report, things may get worse before they get better and, if they begin to deteriorate, there may be more willingness by stronger nations of the area to try to save the situation.

Mr. WHALLEY. The situation has got so critical that we almost have to try anything. Japan, being the powerful nation it is, could be a tremendous factor if they could be persuaded.

Mr. KEITH. In recent months they have been somewhat persuaded to take a much more active economic role. Of course, they cannot take a role militarily. But other nations of the area, such as Thailand, Singapore, and Malaysia, could play a more significant role.

Mr. WHALLEY. I think those nations would be very willing to help, but the bigger nations are again trading because of the war, and watching some of their principal competitors being torn down like we are, through resources, men, and money. These are the countries we seem to have to have. Of course, Japan and Russia could stop the whole thing overnight if they really tried.

Mr. KEITH. I am inclined to agree with you on that observation.

Mr. WHALLEY. You deserve a lot of thanks for the time and effort you are making. I think the chairman here is hopeful that something will come of it, some thought that had not been developed up until now, that will bring about the rapid conclusion, because it certainly seems to be at a standstill.

Mr. KEITH. I don't know whether or not the committee has had any witness comment about the potential role of the Geneva Convention and the possibility of its being reactivated in this area.

Mr. GALLAGHER. No; but that again is another one of the areas where we look for hope.

Mr. KEITH. I recall that, in talking to our colleague, Mr. McCloskey, about what might happen if we should be more precipitous in our withdrawal, I asked him what he thought about the Rand report. He said, "What is that?"

I said, "Well, the Rand report was one that forecast the possible number of casualties that might occur if the situation deteriorated and the North Vietnamese moved in en masse."

He said, "Well, how many casualties were suggested in that report?"

I replied, "Somewhere in the vicinity of 100,000."

He had not even heard of this. But this committee must deliberate the long-range effects of perhaps, a hundred "Hues." Certainly some of this type of Red massacre operation could be expected if the North Vietnamese moved in. Should that happen, the attitude of other countries and of our own people might change. That, I think, is what prompts Mr. Nixon's more phased withdrawal, rather than the hasty withdrawal for which others have called.

Mr. GALLAGHER. This is one of the points that was discussed at some length yesterday Mr. Keith, and one of the points which gives this subcommittee great concern on the fixed withdrawal date. How we can extricate the last remaining troops there without severe casualties, other than relying on the good faith and good intentions of the North Vietnamese, intentions and faith which have not always been very apparent.

Mr. Wolff?

Mr. WOLFF. I wonder if in talking about hasty retreat, how about Hasting's withdrawal?

Mr. KEITH. Watch it, Mr. Wolff.

Mr. WOLFF. Would the gentleman agree to the idea of setting up this commission, setting a date for withdrawal, asking a number of the powers to come in and oversee the transitional stage?

Mr. KEITH. I hesitate to make a hasty response, but off the top of my head, I would say yes.

Mr. WOLFF. I think that might make a lot of sense.

Mr. GALLAGHER. Thank you very much, Mr. Keith, for a very fine contribution to our deliberations.

The subcommittee stands adjourned to the call of the Chair.

(Whereupon, at 3:35 p.m., the subcommittee adjourned, to reconvene at the call of the Chair.)



# LEGISLATION ON THE INDOCHINA WAR

---

MONDAY, JULY 12, 1971

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,  
*Washington, D.C.*

The subcommittee met at 2:23 p.m., in room 2255, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you here this afternoon as the Asian and Pacific Affairs Subcommittee continues its hearings into bills and resolutions relating to the war in Indochina. The Chair wishes to apologize for the delay; we have a problem on the floor. We will begin rather than keep you waiting, Mr. Secretary and our members will be on the way over.

For the past five sessions we have heard from 20 of our fellow Members of the House of Representatives who have offered a wide range of informed opinions and legislative options for our consideration. Personally, I have learned a great deal during the informative and lively discussion with my colleagues and I believe we are reaching the point where the subcommittee can begin to draft a resolution which could fairly reflect the views given us.

Several points of agreement have emerged thus far. All of us are united in assuring the release of our prisoners of war. I believe there is a consensus in the Congress that the withdrawal process, begun by the administration, must be irreversible and that if there is a residual force it must not contain American ground troops involved in the fighting. I also sense that everyone, inside and outside the Congress believes that we must actively assert our constitutional responsibilities in a more direct partnership with the executive branch.

The remaining questions of some dispute relate to the establishment of a fixed date for total American withdrawal of ground troops, and what role American military support should play in assisting the legally elected government of Saigon in resisting the pressures exerted by the Vietcong and the North Vietnamese. In addition, how deeply should we be involved in support of the Governments of Laos and Cambodia, both of which have been used by the other side as staging areas for many years and both of which are engaged in direct armed conflict with North Vietnamese forces.

To speak to these and other points, we are very pleased to have as our main witness this afternoon the Honorable Marshall Green, Assistant Secretary of State for East Asian and Pacific Affairs. Mr. Green is highly regarded in the Department of State, and I may say

in the Congress as well, as a persuasive, experienced, and skilled public servant. I am sure that his presentation today will be enlightening to us and will be very useful to the subcommittee as we continue our deliberation on what is certainly the most important issue of our day.

Please begin, Mr. Secretary. Again I apologize.

# **STATEMENT OF HON. MARSHALL GREEN, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS**

Mr. GREEN. Mr. Chairman, first of all thank you for your kind remarks. I hope my obituary eventually reads that well.

I have not had the advantage and privilege of reading the transcript of the hearings held so far under your chairmanship. I look forward to it. Therefore, what I say in my prepared testimony may not address itself entirely to your concerns although I would gather that some of the things I am about to say are responsive to the points you enumerated as being of special interest.

I have a prepared statement, Mr. Chairman, which I would like to read.

Mr. Chairman, the subject of this hearing, how to end the war in Vietnam, terminate the U.S. role in the conflict, and bring our prisoners home, is a matter of deepest concern to all of us. U.S. diplomatic representatives, together with those of the Government of Vietnam, have made relentless efforts to achieve a peace settlement during years of difficult negotiations in Paris.

The United States is quite prepared to withdraw American forces totally and rapidly from Vietnam as part of an overall peace settlement. Our efforts have been met in Paris with adamant insistence by the other side that we withdraw our forces in such a way as to cripple the ability of the non-Communist South Vietnamese to defend themselves against the Communists, and that we ourselves impose political conditions on the people of Vietnam designed to lead to their domination by the Communist side. We have refused to agree to withdraw to end the war in such a manner.

In the absence of progress in Paris toward an acceptable peace settlement, we have engaged in a program for gradual and orderly unilateral withdrawal of American forces from Vietnam. We are taking our men out as fast as we believe we can consistent with our objective of leaving the South Vietnamese with a reasonable chance to defend themselves. We will speed this withdrawal if we can, but our policy must continue to be guided by this objective, together with the need to obtain the release of our men held prisoner by the other side.

As early as May 14, 1969, the President announced a comprehensive program for peace in Vietnam. He has since that time made numerous proposals and sought through a variety of channels to advance the quest for peace.

The President's most recent peace proposal was set forth in his address of October 7, 1970. At that time he called for a cease-fire in place throughout Indochina under international supervision; he pledged the withdrawal of the American forces as part of an overall settlement; he asked the Communists to join in a search for a political settlement for South Vietnam that truly meets the aspirations of South

Vietnamese people; and he pledged the United States to abide by the results of the political process agreed upon by the South Vietnamese.

Noting that the war was being waged by Hanoi in all three states of Indochina, the President called for an Indochina-wide peace conference, but committed the United States to pursue the search for peace at the Paris talks until a broader international conference could produce serious negotiations.

Finally, the President called for immediate and unconditioned release of all prisoners of war held by both sides irrespective of progress on other issues. The unwillingness of the other side to agree to the release of prisoners and even to abide by the provisions of the Geneva Convention regarding their treatment while in confinement is one of the most shocking aspects of their conduct in this war. Their obviously deliberate policy of holding prisoners for political gain is, I am sure, abhorrent to all Americans and to civilized people all over the world, no matter what their views on other aspects of the conflict.

We have constantly demonstrated through a variety of channels our desire to negotiate seriously and flexibly with the other side on the basis of their proposals as well as our own. We have made it very clear in recent days that we are giving the most careful consideration to the proposals advanced by Mme. Binh at Paris on July 1. Ambassador Bruce, in the next Paris plenary meeting on July 8, emphasized that we were attempting to find common areas of agreement in the PRG's proposals. He sought to obtain clarification about certain aspects of the proposals. He suggested that discussions be continued in restricted meetings where the number of participants on each side would be limited, and public statements as to what transpired would be avoided except to the extent mutually agreed in the meetings themselves.

We have also repeatedly made clear our willingness to talk in private with representatives of North Vietnam and, together with representatives of the Government of Vietnam, with negotiators from the Vietcong. At the July 8 meeting the Government of Vietnam representative again stated his Government's willingness to talk with Communist representatives from North and South Vietnam.

In the light of our inability over the past 2 years to have serious discussions with the other side of the problems at issue, let alone make any progress toward a peace settlement, the President has pursued a program of unilateral withdrawal of American forces from Vietnam. But, as the President said on April 29 of this year:

It will be necessary for us to maintain forces in South Vietnam until two important objectives are achieved: one, the release of the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia, and two, the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover, not the sure capacity, but at least the chance.

The President has already under the Vietnamization program reduced the number of U.S. troops in Vietnam by more than 300,000. Actually, the figure is 236,000 in South Vietnam. He is proceeding with the withdrawal at an accelerated rate. He was able to announce on April 7 that:

The American involvement in Vietnam is coming to an end. The day the South Vietnamese can take over their own defense is in sight. Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal . . .



I would like to stress, however, that Vietnamization is not simply a program of U.S. withdrawal. It has been marked by significant accomplishments by the Vietnamese in the military, political and economic fields.

The South Vietnamese Army now accounts for a growing bulk of the combat engagements. The security of the rural population has increased markedly in the last year. Local participation in self-government and self-defense has increased. Elections for village, municipal, and provincial councils and for one-half the Senate seats took place throughout the country in 1970. Lower house and presidential elections are scheduled within the next 3 months. Legislation enacting a major land reform was passed last year, and distribution of land is underway. The Government of Vietnam undertook strong fiscal and monetary actions to limit inflation in the fall and again this spring. Prices, which rose 50 percent in the 12 months up to mid-1970, have been remarkably stable since that time.

Vietnamization has thus produced positive results in terms of the President's two objectives—ending U.S. involvement in the war and providing the South Vietnamese a reasonable chance to determine their own future. The administration continues to believe that the Vietnamization program offers the best means, so long as the other side refuses to negotiate, to bring the American participation in the war in Indochina to an end in a responsible fashion.

You have before you a number of resolutions which suggest a different way to end our involvement—by announcing now a fixed date for the total withdrawal of all our forces. In the circumstances of a long and costly war, it is easy to understand the appeal of a specified date for withdrawal. Everyone in Government shares the deep concerns of the American people about Vietnam and wishes to see the conflict ended. However, the administration believes strongly that it would not be wise to announce a date now for completion of this unilateral U.S. withdrawal. To do so would deprive the President of the flexibility he needs to counter enemy actions and deal with the developing situation in Indochina over the coming months. It would remove one of the few bargaining counters we have to bring about a negotiated settlement—Hanoi's uncertainty about the precise withdrawal timetable for the considerable American force still in South Vietnam and about the size and nature of any continuing American role.

The other side has said that if agreement can be reached on a date for total and unilateral U.S. withdrawal, they would be willing to cease firing against U.S. troops. This ignores the fact that, as long as the cease-fire was not universal, our men would still be exposed to enemy fire because of their activities in advice and support for the South Vietnamese forces. The way to stop the casualties is to have a general cease-fire, as called for by the President last October. Yet that proposal has so far been refused by the other side.

In sum, the United States has sought through negotiations to bring an end to the war in Vietnam while providing the opportunity for the people of South Vietnam to determine their own future without outside interference. In conjunction with the South Vietnamese Government, we have sought an immediate end to the killing through a general cease-fire, the withdrawal of external forces from Laos, Cambodia, and South Vietnam, and the release of all prisoners of war held on both sides.

The Communist side has from the outset insisted that its fundamental demands be met before there can be any real movement toward peace, and indeed before there can be any genuine discussion of the issues. We have sought to discuss their proposals as well as our own, but they have insisted on our meeting certain preconditions to discussion and above all have refused to give up the use of force in the pursuit of their objectives. Thus, they insist on unilateral U.S. withdrawal within a fixed period and in effect they call for the United States to dismantle the present Government in Saigon.

Obviously, the proper way to settle the political arrangements for South Vietnam is through direct discussions between representatives of the Government of Vietnam and the Communist side. The Government of Vietnam has repeatedly offered to do this, but their offer has been rejected by the Communists every time. In fact, the other side insists upon removal of the head of the Government of Vietnam before they will agree to such discussions with his representatives.

In the face of these realities, the negotiations have not made any significant progress. Nevertheless, we will continue to present our own proposals for peace and to consider seriously any proposals that the other side makes. Ambassador Bruce is presently engaged in seeking the necessary clarification of the latest position taken in Paris by Hanoi and the Vietcong. It is too early for me to make any definitive judgment as to the outcome. As we have said, there are some things that may be positive and useful but other demands that are made of us appear totally unacceptable.

I believe the committee will understand that I am reluctant to go into details on the course of future negotiations while the negotiations are in current and intensive debate.

This completes my prepared statement, Mr. Chairman.

Mr. GALLAGHER. Thank you, Mr. Secretary.

Mr. Secretary, the basic issue before the subcommittee and the committee on the question of withdrawal is whether or not the fixing of a date will help or hurt the winding down of the war. Many of the proponents of these resolutions feel that the fixing of a date would serve notice to the Government of Saigon that we are on our way out as of that moment, thus allowing them to assume greater responsibility, if it is their will to continue to govern. What is your response?

Mr. GREEN. Our response to that, Mr. Chairman, is that the South Vietnamese are fully aware of our withdrawal, our determination to complete the withdrawal, not only because of what the President, the Secretary of State, and the Secretary of Defense have said but also because they can see it going on—and it is going on steadily and the monthly rate of our withdrawals recently has been stepped up. Every day there are something like 400 fewer Americans in South Vietnam. So the South Vietnamese are fully aware of the determination of the President of the United States to complete the Vietnamization process which includes the withdrawal of all our forces. I don't see how this could be made any more convincing to the South Vietnamese than through the facts themselves which they see before them every day.

Mr. GALLAGHER. Proponents of the resolutions, Mr. Secretary, point out that it becomes a matter of law that that would be a stronger notice and therefore would have greater effect than the mere withdrawal itself which could be reversed.

Mr. GREEN. The President has said it is an irreversible process, and the Secretary of State has also used that language. The realities of American political life are such that they must go through with their pledge to continue the Vietnamization at, I would say, at least the rate it is going ahead today. So I would say in affirmative terms that there would be no doubt about the determination of the administration to complete the Vietnamization process, including the withdrawal of all American forces.

Now, conversely, if you were to set a date certain, I think this would cause some concern for people in South Vietnam—they are anxious for a settlement just as we are. They don't want to be left with a legacy of a continuing war which has killed so many of their people. They want to see it settled by a negotiated peace. They feel, as we do, the best way to achieve that negotiated settlement is to have some bargaining power. If you give the date certain, you are giving up, as I said in my prepared statement, one of your most effective bargaining counters. In other words, the South Vietnamese would have the same reasons we have, in some ways even stronger reasons than we have, for not wanting to weaken the bargaining position that is needed for bringing peace and not a continuing war in South Vietnam.

Mr. GALLAGHER. What other advantage or disadvantages do you see? Of course the proponents see all sorts of advantages to a fixed date. For the purpose of this record, what other disadvantages do you see if we should establish a fixed date for withdrawal?

Mr. GREEN. You asked in addition to what I have already said?

Mr. GALLAGHER. Yes.

Mr. GREEN. Well, I think—

Mr. GALLAGHER. Does it affect the military posture of our troops?

Mr. GREEN. I have often been involved as a negotiator in my 29 years of foreign service. I think one must understand that what Hanoi and the Vietcong are attempting to do is to just wear us down step by step; that if we were to set a date certain, then they would have that. They would then raise some other issue and say, "If only you did this you could really get that." So I feel that if we set a date certain that that would not produce the results that many people, including no doubt some of the witnesses before this committee, have expected. I think it would just involve our having given up one of our bargaining powers and that they would then come forward with further demands and further proposals before they made any kinds of concessions.

So if we are going to negotiate with the other side, it seems to me we have to do it the way the President has determined, through the Paris negotiating process and getting something specific for whatever we give up. The President is not saying that we won't take out all of our forces. He is quite prepared to do it. But he wants to make it part of a negotiating process. The other side is stonewalling any kind of real negotiating process, feeling that by holding out we will just begin to cave, the pressures will build up upon the administration to make one concession—it may not seem very big but it would be something, and that would be taken by the other side as a signal that by putting up further demands and meanwhile stonewalling us, they would get further concessions.

We don't want to start down the road in that process; it is not going to lead anywhere except to the enemy's getting all that he wants and our



losing everything that we seek. I would even include the question of the prisoners of war. I don't think that this is necessarily the best way to get back the prisoners of war, even if that was our only objective.

Mr. GALLAGHER. If they have already indicated that they will give up the prisoners of war at a fixed date and we have already indicated we will not bring the government of Saigon out with us, and we already have a schedule of withdrawing troops, what is there left then to negotiate?

Mr. GREEN. Well, first of all they have implied they will give up the prisoners of war against the total withdrawal of American forces. They are trying to suggest that, trying to imply that.

Mr. GALLAGHER. Would you elaborate on that point because the general feeling is that if we fixed a date, the prisoners would be released.

Mr. GREEN. Well, I am saying that this is not necessarily true. I am not saying that it is false. We just don't know until we have further clarifications as to what is meant by Mme. Binh's points 1 and 2. We are not clear on that particular point. That is all I am saying.

Now I could make a kind of exegesis of what Mme. Binh said of points 1 and 2. For example, she talks about putting an end to the war of aggression in Vietnam and stopping the policy of Vietnamization. Now what does she mean by "putting an end to the war of aggression in Vietnam"? This is one of those Communist phrases that could mean everything, including getting rid of the Thieu government and so on, and very likely does.

When they say, "stop the policy of Vietnamization," again what do they mean by that? Is this a total stoppage? Does it mean getting out all our forces? Does it mean you cannot give any kind of military and economic assistance to the Government of Vietnam? It could be. That is why I say it is not as simple as it oftentimes is formulated in the press and elsewhere, that simply by naming a date certain and getting out all our forces we will get our prisoners of war back and that is all. I think there is a lot more involved. Now maybe there is not. We just don't know. Maybe the language is ambiguous for the reason that they are trying to maintain certain negotiating latitude. Hopefully that may be the case, but I suspect maybe the opposite may be true, too; that this is simply designed to deceive.

Mr. GALLAGHER. Have we asked for clarification about the points of the prisoners, or is this the purpose of our closed meeting request?

Mr. GREEN. I am sorry.

Mr. GALLAGHER. On the issue of what her points really mean, is it possible for those points to be clarified?

Mr. GREEN. Oh, I think it is. If you are going to have a serious negotiation, I think you must be very clear as to what is meant by each side's proposals. The language that was used, for example, in the May 1969 statement by the North Vietnamese and Vietcong was equally ambiguous and unclear as to what is meant. We tried to probe it to get clarifications of the different articles and we never really succeeded.

The recent seven-point document in a way is clever, it has more obscurities in it, and a people like the American people who are anxious to see the war over and get completely out of the fighting may tend to read it the way it was perhaps meant to be read; namely, that this is all very easy, that the war can be over, you can get out, life will go on in South Vietnam, that is not your concern. That is, of course, the

message they are trying to get across but it is full of many potential hookers. We don't know what they all are, and I don't want to take the position that this is not a serious negotiating document. I think it is a negotiating document but I also think that it is one that requires clarification before we are able to come back with any response.

As you know, we have not rejected Mme. Binh's seven points and all we have said is that there are some things about it that look interesting, that appear positive; there are other things that are not acceptable. But in any case, it requires clarification. This we will seek to achieve through negotiations in Paris. If this can't be done in an open session, maybe it can be done in a restricted session or some other way. But we are prepared to approach it to seek clarification.

Mr. GALLAGHER. Chairman Dole of the Republican Party has indicated that the prisoner issue is not the primary purpose of a continuation of our program in Vietnam. He stated that a reasonable chance of success for the government of Saigon is in fact the issue. Would you care to clarify that for purposes of the record?

Mr. GREEN. Well, I did not seek in my statement, Mr. Chairman, to say one objective or another objective was more important. I said that there were two important objectives that we seek: One is the return of the prisoners of war held by North Vietnam, wherever those prisoners may be in North Vietnam or other parts of Southeast Asia; and the second is the chance for the South Vietnamese to develop the capacity to defend themselves against a Communist takeover—as the President said, not necessarily a sure capacity but at least the chance.

I have not attempted to make any distinction between these two objectives; I consider them to be equal in their merits. Maybe the second would be traditionally more important, but I think at the same time we understand how much importance we all attach to the release of our men.

Mr. GALLAGHER. Mr. Secretary, the issue of a reasonable chance for the Government of South Vietnam to defend itself is, in fact, the issue that troubles all of us. What is a reasonable period?

Let me put it another way. To me I believe that a stable government of Saigon is vital to our ability to withdraw our troops. Do you see it that way?

Mr. GREEN. Well, I have not sought to define what it was. As you say, that they have the chance to run their country without it being overrun by the Communists—it is a very loose phrase. As I see it, if you look at a straight-line projection or the current withdrawals of American forces, and recognize that as a natural process for compelling political and other reasons, I think one can perceive when Vietnamization might be over.

Now it is true that the President has said that as long as they are holding our prisoners of war there will still be some American soldiers in South Vietnam, which makes sense in terms of having some kind of bargaining leverage to get the prisoners back. But that was termed a residual presence—the phrase that has been used. I cannot say when it would come or how many men would be involved in it.

The language is somewhat loose and it can be interpreted in different ways. I am wondering if that is such a bad idea. Sometimes in diplomacy it is best to leave things somewhat flexible because it gives you more opportunity to take advantage of developments as they occur

and gives you more of a negotiating position from which to work. So my own feeling is that the terminology that the President used should not be further defined; it should be left the way it is. I think the implications come through fairly clearly; at least they do to me.

Mr. GALLAGHER. Mr. Secretary, without going into what residual force means, where will the level of ground forces be if the present withdrawal schedule is completed? I refer to the several dates that we have had on the resolution, one at the end of this year and the other in June 1972.

Mr. GREEN. Well, the current withdrawal rate is over 14,200 men per month. As of today there are 236,000 Americans in South Vietnam. I think on that basis you can draw a conclusion as to roughly where you could be at any time. Now the President has not said it will be around 14,200 from here on out. I concede that. He said we would be down to 184,000 by December 1, 1971. At some time just before that I assume he will make another announcement. So you cannot say about 14,200 per month; that relates up to December 1. What it will be after that, I have no idea; it is a Presidential decision.

Mr. GALLAGHER. In your statement, Mr. Secretary, you have said the other side insists that we meet certain preconditions in discussion in Paris. Would you care to state what those preconditions are?

Mr. GREEN. Well, the two fundamental points that Hanoi and the Vietcong have made ever since the Paris talks began under this administration back on January 20, 1969—the two points that they have always pressed—are, first, that all U.S. forces be withdrawn; and, second, what they call the Thieu-Ky-Khiem clique, which is the government, be toppled, be removed. They say they won't talk with this government. Those have been their two central demands all the way through, and I would say that those are the main conditions for any kind of serious talks. I put particular emphasis on the second one, on the question of the internal political process.

We have, of course, said that this is something for the South Vietnamese to decide—they are the ones whose fate is in the hands of those who are deciding this internal political question; it is not up to us to decide. It would be totally inconsistent with our own tradition if we were to go into another country and topple that government, replace it with another government, particularly when that is not the desire of the South Vietnamese anyway. We have said this is a matter that should be discussed.

As I say, the political settlement of the war in Vietnam is to be discussed between representatives of the Government of Vietnam and the PRG or Liberation Front or Vietcong, whatever you want to call them. As you are undoubtedly aware, Mr. Chairman, the Liberation Front or Vietcong have refused now for 2 years to talk with the Government of the Republic of Vietnam, and this of course has made it virtually impossible to even approach serious discussions of a political settlement.

Meanwhile, of course, President Thieu has made a series of offers. He has offered free elections, including the participation of the Liberation Front with an electoral commission on which the Liberation Front could also be represented. He has made a series of proposals that would make it possible to have a political process in which the NLF were involved. These statements have had no response from



the NLF except rejection. Meanwhile the NLF refuses even to talk with the South Vietnamese Government. Now I consider that to be the most difficult hurdle to get over. I consider that to be responsive to your question and to be the major obstacle to a settlement of the war in Vietnam.

MR. GALLAGHER. Thank you, Mr. Secretary.

Mr. Wolff.

MR. WOLFF. Thank you, Mr. Chairman.

Mr. Green, it is always a pleasure to see you. I am sorry that I was detained. I wanted to hear your testimony, but I have it here before me.

I take it, Mr. Green, you are one of the top advisers at the State Department on Vietnam as well as the other areas of Southeast Asia. Am I correct in this?

MR. GREEN. Well, maybe it is self-flattery if I were to agree with the question but maybe my position connotes that I am a top adviser. yes.

MR. WOLFF. I don't know whether or not the chairman asked this but were you aware of the so-called Pentagon papers?

MR. GREEN. Absolutely not; nor was Mr. Rusk, incidentally, nor was Secretary Rogers nor was anybody else in the State Department, in our whole bureau, except one officer who was aware of the existence of this file in the State Department.

MR. WOLFF. Do you consider this any problem? Do you feel that in any way you have not been able to perform your job to the fullest extent as a result of not being possessed of some of the information that is in those reports?

MR. GREEN. Well, the information that was in the reports was available to us in our files. I thought your question was, did I know that there was a study being made? We did not know; no, sir.

MR. WOLFF. You did have then all the information that was in the files?

MR. GREEN. All of the information that was in the files except, of course, the analysis that had been made by Mr. Les Gelb and his 35 assistants. We didn't have that, we didn't know it existed. But all of the basic documents from which they drew that study, yes; they were in our files and they were available to us.

MR. WOLFF. You were in Indonesia at the time that much of the material relates to as I recall it.

MR. GREEN. That is correct: I was in the Department from the end of 1963 to the beginning of 1965. I was there during the rather critical year of 1964, where, according to the Pentagon documents fundamental decisionmaking was in process with regard to bombing the North, and so forth, so I was in the Department at that particular critical time.

MR. WOLFF. Do you have any feelings about the fact that perhaps the public was not aware of some of the things that were going on? If this situation were repeated again, would you recommend the same course of action we took in the past, relative to the lack of information being available to the public?

MR. GREEN. It is very hard to say. It is very hard for me to answer that question. It comes down to what types of information one is talking about. A great deal of the papers, as you know, relate to contingency planning. Obviously, you cannot release that and make it

public. A lot of it deals with secret intelligence reports. Again, one would have to be very careful about making some of that public. Some of it relates—at least four to six volumes relate—to diplomatic conversations we had where if the information got out it would not only embarrass us in relation with the governments concerned but where those governments in the future would be reluctant to deal with us.

I might add here and now that we have had increasing numbers of complaints from other countries about the release of these documents and in some cases accompanied by statements to the effect that they don't feel that they can really share confidences with us any more. So it is that sort of information I would not think one would want to reveal.

Now there may be other things that one could reveal, but in any event I believe in sharing with the Congress in executive session or privately most of the information that comes into our hands because I believe the executive and legislative branches must work more closely together. I think in your position you are oftentimes asked to give sound advice and you should know more of the things that go on, and to that extent maybe there is a record of inadequate performance on the part of the executive branch.

Mr. WOLFF. How about the classification of papers? Are you satisfied that the present method is a good one?

Mr. GREEN. You know, trying to find a good system of classification, and especially declassification, is just about as difficult as trying to find the right way of establishing procedures for promotion of personnel. They are very elusive.

Now many of these documents are classified top secret because they were in the contingency category. There are many other papers classified top secret where maybe a week or two later they would not be classified at all. When the President makes a speech, that always has a classification of at least secret on it before he makes it. But the minute he makes it, or maybe an hour or two before, it is declassified.

Mr. WOLFF. Does your Department now have any method for declassifying material?

Mr. GREEN. We have a method that is quite imperfect which we are looking into now to see how it could be corrected. For example, when you send a telegram that is classified secret, that has a little legend below saying automatically downgraded at 3-year intervals, which means it goes down to confidential after 3 years and down to declassified after that.

We also have our historical services which release all key documents after 25 years. These are our two basic ways of declassification. Now I don't think it is adequate. It is not adequate because some of these things don't lend themselves to automatic processes. If you were to cover the subject adequately, you would have to have a small army of men going through all the files that exist today, and there are 47,000 cubic feet of papers.

Mr. WOLFF. You would have to have a small army to classify.

Mr. GREEN. Yes; but that is relatively easy. I am talking about the accumulation of papers. If you are just talking about the current papers today and going forward, I think you could find a method of declassifying on that basis.

Mr. WOLFF. If I can just take a few more minutes, with the Secretary's permission I would like to delve into some of the areas he spoke about, Mr. Chairman.

I notice that in response to the recent statements that were made by the North Vietnamese and the Vietcong that we have indicated that we wanted to talk privately with them, yet when I returned from my meeting with the North Vietnamese I was told that, "well, they will tell you this in private but they won't say it in public." Now, that is somewhat of a contradiction. Today we want them to go to private talks and they have put upon the table some of the things that they had told us privately before. What could we possibly achieve privately that we cannot achieve on a public basis today?

Mr. GREEN. It is very hard to make a case that we can achieve anything privately that we cannot achieve publicly because very little has been achieved. On the other hand let's look at successful negotiations. We have had some success in the SALT talks, for example. Or in Vietnam there were successful talks back in 1968 leading to the suspension of the bombing of the North under certain understandings which, generally speaking, have been observed. By and large that was a successful negotiation. As you know, those talks were attended by the greatest of secrecy. Even the problem over the shape of the table and the wing tables at the Hotel Majestic were the subject of private, secret talks.

Again, if you are going to find a solution to the problems of the Middle East private talks are necessarily going to be involved. Therefore, I would say that private talks, secret talks, have been quite instrumental in reaching agreement on the most difficult issues that I can recall in recent years. There is, of course, a new kind of ping pong diplomacy that we hear about these days, open diplomacy.

Mr. GALLAGHER. To challenge North Vietnam.

Mr. GREEN. To challenge each other, and we use public opinion. Now I think the North Vietnamese like this idea of public discussion because they are not directing their remarks to Ambassador Bruce, they are addressing these points to the public.

Mr. WOLFF. The point I am making, Mr. Secretary, is the fact that when the same points were made by the enemy's negotiating team it was said by our people that the Communist will only make those statements in private and we wanted them to be made in public. Now it seems a reversal of policy. They have already reversed their policy: they have made the statements in private, now they made them public. Now we seem to want to reverse it again to go back to private.

Mr. GREEN. No, we have always said that we want both public and private talks. We have had the open sessions in the hotel Majestic, sterile as they have been—they have gone on and on and on. We also believe there should be private talks and we have always made it clear that we are ready to talk on a private basis. We kept it secret when we have the talks, where and what is said, and it is important to keep that degree of secrecy. But private talks have been held, there is no secret as far as that is concerned: at the same time, we have been conducting public sessions.

I might say that the North Vietnamese, once they make a proposal such as they made back in May 1969, or when Mme. Binh made proposals last September and again just now, their procedure is to



make the proposal in public, of course, and then when important Americans come to town—visitors, Congressmen, for example—then they convey to them the idea that there is a good deal more flexibility in their position than is actually the case. They are always trying to spread the idea that they are flexible and the American Government is inflexible. Some of the things that they say which suggest flexibility, I can tell you in public sessions or private, turn out to be quite inflexible. They are playing to the American people all the time.

Mr. GALLAGHER. Will the gentleman yield?

Mr. WOLFF. Yes.

Mr. GALLAGHER. Mr. Secretary, that very issue has been very sensitive with this committee. We have had a great many of our colleagues, for whom I have high regard, come back after sessions with the North Vietnamese negotiators and say that the reason that they are more candid with them is that they can be more flexible and that our negotiators are quite inflexible. Therefore, our colleagues contend that inflexibility prevents us from stating the various options and hypothetical cases that they can do and they get positive responses. Our colleagues feel that they are getting a great deal more information than our official negotiator.

So, I would like to ask you for the purpose of the record, Mr. Secretary, do they get any additional information that we do not already have? Are we so inflexible on our official level that we cannot find the progress that some of our unofficial visitors have?

Mr. GREEN. Mr. Chairman, I don't know how I can persuade this committee, but having been a member of the negotiating team in Paris for 2 or 3 months and having followed this ever since, I can assure you that we have always been flexible. We have said we were flexible, we have shown it, we have made a number of proposals. When the meetings were first held in Paris we had several specific proposals that were flexible with regard to mutual withdrawal, to the DMZ and the prisoners of war. Right off the bat we came out with these proposals. We have been very flexible with regard to the issue of cease-fire. Certainly the easiest way to stop the killing is to have an immediate cease-fire. We have proposed that and they have backed away from it. So our position has been marked, I think, by flexibility; but what they are trying to suggest to you or to others who go to Paris is that it is not so.

Mr. GALLAGHER. I have not been there.

Mr. GREEN. And the reason that they convey that is that they talk in a somewhat different way.

Now let's take the case of Chalmers Roberts when he went to Paris. Chalmers Roberts is a highly skilled newsman who has been following this subject in great detail and he bore right in on Xuan Thuy the way he does on our press briefer every day, and he got Xuan Thuy to the point where—and the Washington Post printed it that way the next day—they were holding out for the United States to cut off all aid to the Republic of Vietnam. That essentially was one of the basic ways they thought they could topple that government.

Now that same kind of conclusion one can draw from Anthony Lewis' conversations on May 21 with Xuan Thuy. Again you have an experienced newsman to get them to say, in effect, what they don't want to. If you look at that Chalmers Roberts interview you see all

these nice things; but then he keeps pressing and finally he gets them to admit their position.

Now when they talk with us they are dealing with people who have been handling these negotiations now for a long, long time and they cannot get away with that sort of thing and they know it.

Mr. GALLAGHER. They say to some of our people who have been there, a point brought up in these hearings, that we cannot state hypothetical cases, that we do A and B and you do C and D. Is that so?

Mr. GREEN. Well, I would have to hear what the hypothetical case was.

Mr. GALLAGHER. The hypothetical question, of course, is always that if we give up your prisoners by December 1, will you close down the war by June 1? If we do such and such, will you do a little more?

Mr. GREEN. Yes; of course the first example you gave is the key one. If you take Mme. Binh's statement back on July 1 you get the impression that it is simply a matter of our announcing a date certain by which all American forces would be out and our prisoners of war would be released. That is the simple formula and it seems to be totally detached from the second point that gets into the whole question of political settlement and almost all the points from then on relate to it.

Now the question is, are those two points separate? There are a number of things in there which to those of us who have been dealing with this problem for a long time suggest otherwise. We think they are linked, but we are not sure. As I say, we are seeking clarification but there are a number of warning flags in there, a number of hooks. I mentioned two of them earlier. Another one I might mention right here now is that if we named a date certain to get all our forces out, they say they would return our prisoners of war but first we must agree on the modalities.

Now what do they mean by the word "modalities"? Again that could include many more conditions. So we want to find out first what they really mean.

Now you take Xuan Thuy. He has prescribed a series of obscurities, too. He tries to get across the idea that points 1 and 2 are quite separate and he says so, but again there are many things in there if you look very carefully. He says, "To show our good will we can settle the problem of point 1 separately." Note "can"; not that they "will." Things like that.

So, as I say, if you subject this to close scrutiny, particularly if you have been handling this problem now for a long time, there are quite a few warning signals and you certainly would not want to proceed without having those points clarified. We would be letting the whole side down if we were to do so.

What is unreasonable about asking for clarification on these points? Why do they come back and say, "No, we won't clarify?" They don't actually say that but it is tantamount to that. What they would rather do is find some Americans of good will who come to Paris—it might be relatives of men who are prisoners of war, it might be Congressmen, it might be newsmen, it might be someone else—and try to convey the impression that they were being reasonable, being flexible, and they would suggest something quite different from what comes through from a careful study of this document.

Mr. WOLFF. Mr. Chairman.

Mr. GALLAGHER. I think it is important that the record include your testimony because we have a great deal in the record that goes the other way.

Mr. WOLFF. Mr. Chairman, having been to Paris I would like to know about the clarification of the second point here. It says on page 6, these are our two points, the release of the prisoners of war and the ability of the South Vietnamese to develop the capacity to defend themselves—not the sure capacity, but at least the chance.

How do we define something like that?

Mr. GREEN. Well, I was saying—perhaps it was before you came in—that that language is generalized.

Mr. WOLFF. If it were, and I am critical of the North Vietnamese, but if I am going to be critical of the North Vietnamese, I also have to be critical of something like this. How can we expect them to meet our request if we cannot define this chance to defend themselves? That is a pretty loose phrase.

Mr. GREEN. We have stated these things in general language because it is very difficult to find exactly what is the point. The Vietnamization process is going on, and as I say it is an irreversible process.

Mr. WOLFF. Is it a 50-50 chance that they will be able to hold on or is it a 25-percent chance or what?

Mr. GREEN. We have not attempted to put any percentages on this but from the standpoint of what this means in terms of negotiation, we feel if we can sit down with the other side preferably privately, and work it out, that all these things can be resolved in the form of a negotiation. If we have a negotiation, then there is no need to consider the problem of how long Vietnamization goes on because the negotiation will become the solution.

Mr. WOLFF. Do we believe that the South Vietnamese will, under any circumstance, be able to prevent a Communist takeover in the future when we have pulled out?

Mr. GREEN. We cannot supply any guarantee against that possibility. I think the President has used the term that we will help them to a point where they have a chance to "hack it," which I think is probably a pretty good way of phrasing it; so that they have a reasonable chance, whatever that may be.

Mr. WOLFF. Would they not have it today?

Mr. GREEN. I think they are getting very close to it.

Mr. GALLAGHER. May I say what it means to me, Mr. Secretary, without contradicting you. It should mean they will last for 1 day after we withdraw. Then, I think, we have done enough and everybody is on their own. This is also my feeling when they are trying to—

Mr. GREEN. If I may point out, there are some things now, for example, training and maintenance of aircraft, where the program may be half way through or almost through; where giving them a few more months will mean a great deal in the future, whether they have the proper maintenance doctrine for the repair and maintenance of their aircraft or artillery or whatever it may be. So something is being achieved. It is not just fighting. There is a training program going on which does mean that you leave them with a fair chance to "hack it."



I won't say how long. Frankly, I think the South Vietnamese are going to last, but that to me is not the relevant point. The relevant point is, as the President says, to give them that fair chance, and we are very close to that point. We have gone through a long, bloody war and I won't get into the rights and wrongs of our getting into it. I think a lot of us have some rather strong feelings about that. The point is that from the moment President Nixon took office he has been moving in the direction of liquidating this war and doing it in a way that vindicates the sacrifice that has been made; if indeed that can be done, he is trying to do it. He is trying to leave not just South Vietnam with a chance to "hack it" but all the rest that is involved in Southeast Asia.

We did take on an obligation—there was no kind of a legal obligation in the beginning, but we did through a process of time take on a certain obligation. I think that position is now being liquidated in an honorable way, and as I said before, it is just a matter of time and not a very long time before we will be out of there.

Mr. WOLFF. How important do you think the elections are in South Vietnam? That is, the presidential elections that are coming up.

Mr. GREEN. How important do I think they are? Well, I know of no better way to determine the will of the people than through elections. The first elections were held under the new Constitution in 1967 and now, 4 years later, elections are called for—they are going through the elections. I won't make any comments on who will stand in those elections but I believe that they will be fair elections. Certainly the elections that were held in 1967 were fair and were carried on under, we might also say, massive international observation.

My guess is that the South Vietnamese will have more people watching them than in any election certainly in the developing world and maybe our own. I think they will be fair elections, and this time of course there have been certain moves made to cut down the number of candidates. When you have 11 candidates, which I believe was the number running last time, it does not really give the people a proper choice. By cutting it down under the new electoral law where a man who stands is going to have to pick up at least 100 endorsements from the provincial and mayoral committees or 40 from members of the national legislature, that is not an unusual requirement. Almost all governments have some kind of restrictions on who will run and who will not run or they have count systems to favor a man who has a slightly bigger vote than the next fellow. So it seems to me the electoral law is understandable, that the electoral process is going to be carried out in a fair way. Above all I don't know of any other way than this to determine what the will of the people of South Vietnam is.

Mr. WOLFF. What do you think of one candidate?

Mr. GREEN. Naturally we would like to see more than one. I really feel constrained not to discuss that particular aspect of the election. I think, as I said, it will be a fair election and I would not reach the conclusion that it is necessarily going to be one candidate.

Mr. WOLFF. As you know, we have discussed this before, I have a resolution on the Viet elections before the subcommittee, it is one of the bills that we are hearing now, to send an observer team to observe—not to supervise but to observe, the election. I think you made some comments the last time you were before us. I didn't want to put you on the

spot in asking you for support for this or not, but you made some comments that were favorable before. I have not been able to get any information as yet, however, from the State Department as to whether or not they support the idea of our having observers there even though President Thieu has requested that the United States send observers to the elections. I think it is quite important.

Mr. GREEN. I think it is important to have responsible observers of the elections, Mr. Wolff. I was just being handed here what President Thieu has said of his willingness to receive election observers; that he welcomes all delegations, official or unofficial, from all nations that want to observe the elections in Vietnam. I will stand on that statement.

Mr. WOLFF. You cannot review an election just 2 days before the election. The longer we withhold the approval or the longer we withhold the support for such an election team, the more difficult the task will be to actually make the determination as to the quality of the elections.

Mr. GREEN. May I look into this question and let you know, Mr. Wolff?

Mr. WOLFF. Thank you very much.

Mr. GALLAGHER. We will hold another hearing on it.

Mr. WOLFF. Yes.

One more question. I know I came in here late and I am sorry to take so much of your time, Mr. Secretary, but this question of Vietnam is such an all important question to us today. I don't question the motives of anyone that is involved. I think everyone is looking for peace, we may all be looking at it in a different fashion. I think we are looking to safeguard the honor of this Nation as well as to find a means that will achieve a lasting peace in Vietnam. There are certain things that happen from time to time that lead us to question procedures. We have heard in recent days two of our colleagues went to Vietnam on the question of drug abuse and corruption in Vietnam. We hear that one particular general is one of the leading traffickers in drugs. We hear that in Cambodia, some the military are involved there.

One of the things that has troubled me throughout our participation in Vietnam has been the lack of control that we have exerted over the black market and over other areas of corruption. In fact, the General Accounting Office just came out with a report that \$1.5 billion of material that we had sent had been diverted into the export market—not military goods but other types of goods, had been diverted into the market. I was told one time by someone in high office in Vietnam that "a little bit of the black market is not too bad" because "it helps to hold down inflation."

I think that is inconsistent with our own moral views and it tends to make the Vietcong in some areas into Robin Hoods who are protecting the poor from the corruption that might exist in local government. In other words, we give fodder to the Communists condoning the corruption that has existed. People say, "Well, there is always corruption in the Far East, it is a way of life." I don't believe that is true.

I think there is a certain amount of corruption that exists all over the world but I don't think that it exists as blatantly, as openly as it does in some parts of Vietnam. We are told as well that we cannot impose our will upon the people because we are "guests in a host nation" and "after all this is their country." I think it is their country but we

are imposing a lot of people and a lot of our lives there so we should get full value—if you can really ever put a value upon a life.

Recently it was brought to the attention of the American people the fact that the difference in exchange rates—black, grey and official—means that there is an additional windfall to some areas of the Vietnamese economy of maybe \$600 million a year. Now I think that this is part of what has caused the American people to be disenchanted with what we are doing in Vietnam. I wonder if we are exerting sufficient efforts to clean up this mess because you cannot have a viable government there if large-scale corruption continues. The government will fall of its own weight.

MR. GREEN. What you are saying makes a lot of sense, that there is too much corruption. Of course one could argue there is too much corruption here, too. One of the basic reasons for corruption in Asia is the inadequate salaries of government workers. In South Vietnam they have now raised those. This was somewhat overtaken by inflation, but that inflation has now been greatly reduced. I might say that as long as you have runaway inflation, you have corruptions. So to tackle corruption you have to give the government workers adequate wages, otherwise they have to live off the squeeze.

That form of corruption, bad as it is, is nowhere near as bad as another form of corruption which is corruption of the military or corruption in high places where a man is not just doing it so he can live but he is doing it for other reasons, venial reasons, which oftentimes, as you say, may be involved with drugs or involves other types of things which make his crime even worse.

Now, when you get to this form of corruption, of course, the people of the country concerned are making their own estimates of men if they are involved in the corruption. They have to answer to their own people and in many cases they are doing that. In South Vietnam today there have been a lot of heads toppling—I don't mean they have been cut off but men have been removed from office for cause. There have been several provincial chiefs, a number of mayors and people in the national legislature—a number of them have been removed. The South Vietnamese are moving against this problem.

You mentioned drugs specifically. You mentioned a general, General Dzu by implication. I would be very careful before I made any charges against him because I like to know the facts. We are trying to find out the facts. I know that Congressman Steele has specifically said something. I look forward to talking to Congressman Steele and seeing what the problem is.

In any case, they know our strong feelings about drugs. They know very well the penalty they will pay if they don't really cut out any form of drug peddling that they can. They will never be able to do it all but they will be able to reduce it sharply, in my opinion; and I think they are going to have to make a serious effort in doing so.

You mentioned a general, again unnamed, in Laos and I think I know whom you are referring to. Let's remember as of today they don't have a drug law in Laos, they are getting one through their national legislature which will make it illegal to grow the stuff and to transport it, to sell it, to consume it, and when that law is in place we have assurances from the top Government officials there that they will track all this down.



Mr. WOLFF. Excuse me. In our new bill we had an amendment passed the other day that in the event a government does not take sufficient steps to control the sale and the culture of drugs we will cut off aid to those countries. It could be that it is serious enough that they had debilitated a great portion of American youth by permitting this practice to continue. I know we had someone from the Veterans of Foreign Wars testify recently who said, "If for no other reason, I want to get out of Vietnam because of what is happening to the young people that we send over."

Mr. GREEN. Yes. My only comment on that is that I think these countries have got to cut down the drug traffic not just as a favor to us but as a favor to their own youth. I think we must approach this problem by enlisting, not threatening them, to get their cooperation and I think we will. The penalty for their not doing so is on their own heads. They know the sentiment of this Congress.

Therefore, I think they will read that into it but I think it is important that they do it in recognition of the fact that these drugs could affect their own youth. It is important to them that they do it; otherwise their nationalism will turn against us and we won't get as effective cooperation. I think we are approaching this thing the right way.

I am not commenting on the resolution. I understand very well the feelings of this and other committees, and I am not saying that I would not be considering the same kind of measures that you are thinking of or are considering. All I am saying is that we must approach this problem in a way that voluntarily enlists the full cooperation of the governments and I think we are going to get it. For one thing, they know the penalties of not giving that cooperation, but more importantly they recognize the importance of doing something on behalf of their own people.

Mr. GALLAGHER. Mr. Secretary, with regard to the discussion that Mr. Wolff just had with you, I have information that the preliminary tests that we are giving for servicemen there at the present time indicate that addiction is considerably less than we had heretofore heard. Do you have any information on that?

Mr. GREEN. I have no information on that, Mr. Chairman, except the report that I read in the paper the other day which is accurate, I am sure, about Dr. Jaffe's conclusions on his trip to Vietnam. I think there is one thing I would like to accent about drugs in Vietnam that many Americans may not appreciate; that is that between 52 and 64 percent of the American GI's that come to Vietnam, I understand, have had some drug experience—if you want to call marijuana a drug, they have had some experience.

When they get to Vietnam and they hear about a shot of heroin, it is not the 4 percent or 2 percent stuff that they get in this country. It is 98-percent pure and if they survive the experience they are hooked. They are hooked onto something that is not only mortally dangerous to their own lives but also hooked to something that is terribly expensive for them to maintain the rest of their lives. Whereas they get it dirt cheap out there, they come back here and many would have to take to crime in order to continue to support it and to get this kind of drug.

Mr. GALLAGHER. A very good point.

Mr. WOLFF. Of course there is one point on the amount of addiction that had been found as a result of the tests—whether or not the results are a true reflection of the situation. Prior to the test period it has been said that some of the men involved are going clean for a few days, as a result of which addiction cannot be detected in these tests.

As for the number of men who have had some drug experience, it is virtually impossible to determine, unless a man is on the hard stuff, really to be able to detect it upon his entry into the service. We have another bill before the Veterans Committee now and if he is addicted upon entry into service, he should be put on some sort of a program of control before he is taken into service. We have done this with people who have been educationally deprived and we built them up to a point where they could go into the service.

The same situation is true with those who are on drugs. But once having achieved a real determination then it should become a responsibility of both the Defense Department and the Veterans' Administration for their care and not the way that the servicemen have been treated in the recent past where they have been given less than desirable discharge or an undesirable discharge, where they lose all of their veteran benefits.

Mr. GREEN. Yes, sir.

Mr. GALLAGHER. Mr. Secretary, one of the most frequently made attacks of the concept of Vietnamization is that it merely changes the color of corpses, it does not mean an end of the conflict. A similar basic immorality is alluded to by critics when they charge that our airpower, the free fire zones, and the massive use of technology does not discriminate between combatants and noncombatants. Would you care to comment on these often heard charges?

Mr. GREEN. On the first charge I think it is true that Vietnamization does not dispose of the war. That is why a negotiated settlement is so much more preferable and why we are striving so hard, so relentlessly to get a negotiated settlement. We don't want to see the war going on and on and leave a situation where the war is continuing. A human life is a human life, be it an American or Vietnamese—North Vietnamese or South Vietnamese. All death on the battlefield is tragic.

Now the second part of your question—

Mr. GALLAGHER. I must say, Mr. Secretary, I don't think it is sufficiently stressed publicly that the negotiated end of the war is far more desirable than the Vietnamization itself, because under Vietnamization while we withdraw the war will continue.

Mr. GREEN. That is right.

Mr. GALLAGHER. Sorry to interrupt you.

Mr. GREEN. As to the second part of the question on free fire zones or massive bombings, I think with time we have become more and more aware of the importance of insuring that there are no civilian casualties in that area, to be sure that we are not bombing or firing on anything except enemy forces. Now I am not an authority on this subject. I am perhaps more in the case of Laos than I am in Vietnam, but I would say that in Vietnam we exercise the greatest care possible to insure that we are not going to bomb innocent civilians, and I would think probably our record has been increasingly good in that regard.

Mr. GALLAGHER. Mr. Secretary, it has been charged before this subcommittee by Congressman McCloskey that the United States was

conducting a large scale military operation in Laos and Congress has been denied any knowledge as to the extent of our operations. What can you tell us of activities in Laos, if you would care to do that? My question perhaps should be directed to a Department of Defense witness, but in view of the statements that the American Embassy and the American Ambassador are running the show there I wonder if you would care to comment.

Mr. GREEN. Well, to get into Laos involves getting into the Geneva accords of 1962; the fact that the country which is about the same size as Idaho, is divided roughly east and west, with the east being Red-dominated and the west along the Mekong near Thailand being under the neutral government of Souvanna Phouma. We want to see the Geneva accords of 1962 respected. We want to see Laos a neutral, independent country with no great power having a preponderance of influence in this buffer zone.

Now in a sense there are two wars that are going on in Laos, although they are interrelated: one in the north where the Communists push every year across the Plaine des Jarres and try to move down toward the capital of Vientiane. They have not succeeded. The war goes back and forth year after year, largely in accordance with the rainy season and the dry season sequence. The dry season is to the Red's advantage and the rainy season is to the advantage of friendly forces. Aside from that war you have the war in the Ho Chi Minh trail area. If the war in the north, on the other hand, were to succeed from the Communist viewpoint, that would release a lot of their forces for broadening the Ho Chi Minh trail and bringing down more supplies and manpower into the south to challenge us in South Vietnam as well as the Cambodians in Cambodia. This is the general setting.

I am not sure what specific questions you have in mind. There are many, many problems in Laos. The point I was trying to emphasize is that we are not trying to take over all the country; all we are trying to do is to uphold the Geneva accords by keeping part of that country in the hands of Souvanna Phouma who, incidentally, is recognized today not only by Hanoi but also by Peking and by Moscow. Souvanna Phouma is recognized as being the Prime Minister of Laos. The King of Laos is also respected in a way by all those capitals I was referring to as well as, of course, by all friendly capitals.

Therefore, there is a basis on which I think a political solution is possible in northern Laos, and that brings me to the question of whether there is any prospect of negotiations there. Again we have been disappointed. In the past they seem to be getting together only to fall apart. However, we think now there is a little bit more evidence than we have had before a negotiated settlement might be made in northern Laos. I put it in very precautionary language, however, because at the last minute the Communists may very well come in with the kinds of demands that would make it impossible.

If there was some way of having a cease-fire in northern Laos, obviously it would be in everybody's interest to do so, and I think Souvanna Phouma would be prepared to do that. The Communists, I think, would be anxious to get a cease-fire in all Laos so we would not be able to bomb the Trail and they could bring their supplies down into South Vietnam and Cambodia.

Mr. GALLAGHER. Thank you, Mr. Secretary.



With regard to a fixed date resolution, if a fixed date for total and absolute withdrawal is voted by Congress and in the event the President is unable to meet that date, what possible options do you see the President has?

Mr. GREEN. In other words, is your supposition that the Congress would pass a bill for the total withdrawal from Vietnam by a certain date and the President would not be able to comply with that date because of some technical reasons?

Mr. GALLAGHER. Because of a military situation for one thing, which precludes our ability to withdraw at that time. That is one of the reservations I have on a fixed date.

Mr. GREEN. This of course is a good question. First of all, one would hope that the question would not arise because you would not have a fixed date. But you are assuming that you did. We might find ourselves in a really hot spot there only by complying with the congressional restrictions. You would encounter certain serious losses or certain highly adverse battlefield situations.

Mr. GALLAGHER. Some of the witnesses before this subcommittee suggested that we have a fixed date and that the prisoner withdrawal be contingent on that. When asked if the contingency had not been met and what should then be done, he suggested that we declare war. It seems to me that we would be backed into a course where it is very dangerous ground when you limit the number of options that would be available to the President.

Mr. GREEN. I think you again raised a very good point. What is your sanction? Isn't your sanction in that particular instance going to lead you right back into a deepening involvement in the war? That is why it seems to me that we should not be approaching the negotiations in the form of putting through congressional resolutions, however well formulated and justified they would seem to be, because the way to end this war is through a negotiation.

I don't see how we are going to get our prisoners of war back without some form of negotiation. But I think we are going to get them back. I think it is going to be through a negotiating process. They oftentimes say that our bargaining position is weakening all the time because we keep taking men out; therefore how do we expect to bargain 1 year from now if we are not able to bargain now? However, meanwhile, the strength of the South Vietnamese forces is going up all the time and that is strengthening our bargaining position. Now I am convinced that a negotiated settlement is essential. Obviously if we cannot get it, Vietnamization is our only recourse but it is nowhere near as desirable; in fact it has undesirable features to it. Yet, *faute de mieux*, it may be the only recourse we have.

Mr. GALLAGHER. Basically what you are saying, Mr. Secretary, is that while Vietnamization will work, Vietnamization itself does not end the war.

Mr. GREEN. That is right.

Mr. GALLAGHER. Does not end the killing.

Mr. GREEN. That is right.

Mr. GALLAGHER. Therefore, what is desirable on all sides is negotiation which will bring the war to a conclusion and stop the killing not only of Americans but also of Vietnamese.

Mr. GREEN. And I would add that we are not talking about only South Vietnam. We are talking about Indochina. That would liquidate this war once and for all. There is a vast panorama beyond if that could be achieved. I think that the countries of the world can join together to help the countries of that area, including North Vietnam. It could be a tremendous reversal. It has been true in the past that out of the war has come a new opportunity. Look at Germany, look at Japan. So there is this prospect, this possibility.

As you so strongly state, Mr. Chairman, that possibility is going to depend really upon a negotiated settlement—a negotiated settlement that embraces all of Indochina.

Mr. GALLAGHER. Mr. Secretary, in connection with that and in connection with the very strong criticism made of the continuation of the war, what would be involved in the possibility of falling back on a declaration of war? What treaties or American obligations would become operative if Congress forced that position, by forcing a fixed-date withdrawal? Would the President be compelled to have a war situation, if there were no other options for extracting our troops? What happens at that point? What treaties would become operative?

Mr. GREEN. I don't know. The precise legal aspects of our position in South Vietnam today are somewhat unclear to me.

Mr. GALLAGHER. I am talking now about the declaration of war.

Mr. GREEN. You mean in that contingency?

Mr. GALLAGHER. Yes; if the prisoners are not returned.

Mr. GREEN. I don't know on what basis you would be declaring war. We are fighting there now. This would be a sharp escalation of that war which would be going the opposite direction of the way the American people are leaning.

Mr. GALLAGHER. Yes; I quite agree. I point out that testimony has been before this subcommittee questioning whether the SEATO treaty is in effect. If you could for the record—

Mr. GREEN. I do think there is one thing I would like to add though. This gets down again to keeping flexibility. I have not been through all the resolutions that have been submitted to this committee for discussion. There might be some that would call for a resolution that we would bomb under certain circumstances, and so forth.

Mr. GALLAGHER. Yes; there may be.

Mr. GREEN. Yes. To me in answering your question I don't think that I should go to the opposite extreme and say the President should never do this or should never do that. It seems to me that the President has to have flexibility in his capacity as the Commander in Chief. It seems to me he has to have flexibility so that the enemy could never presume, could never set limits on what he can do and what he cannot do. If the President's hand is thus untied, he is going to be more effective in carrying out negotiations and also in conveying certain signals to the enemy and not giving the enemy the assurance that nothing will happen, that under certain circumstances they don't have to worry. There should be some concern on the part of Hanoi that something might happen.

So in answering your question I don't want to imply that the President should have removed from him that right because he might have to exercise it. I certainly hope it would never happen; but I say he should have that option.

Mr. GALLAGHER. I just have several other questions. The withdrawal plans to the best of my knowledge do not envision the withdrawal of American airpower. We have this total superiority in the air and we have the capacity to inflict massive damage on North Vietnam. Would it not be logical to assume, on the issue of prisoners of war, that if our prisoners will not be released until we no longer possess the technological capability to destroy much of North Vietnam? In this sense are not the prisoners a valuable bargaining counter for the North for the withdrawal of the American airpower?

Mr. GREEN. They probably will use the prisoners as a form of ransom for getting everything they possibly can. That brings us back to the negotiating process and getting a package. There are lots of elements involved here on that basis if you are dealing with any other reasonable party. I don't think you are dealing with reasonable people in Hanoi; they are extremist. But if you are dealing with any normal party, I think you could find it definitely to their advantage to reach a package solution such as the President proposed last October. They are proposing cease-fire farther down the line. We are proposing cease-fire right off the bat. If we had a cease-fire, then of course, not only would the killing stop but you would have an entirely different situation there. Bombing and all the rest of it could also stop—there would not be that requirement. If it were effectively supervised, this could very well be the end of all the killing. This was one of the principal points in the President's October 7 proposal last year.

You know, sometimes I think we just don't keep saying the same things over again hard enough, long enough, consistently enough. The Communists have a much worse formula than we have. It is a highly contentious one but they say it over and over again and they sometimes say it in a beguiling manner that does wear some people down. When you look at the President's proposals of October 7, surely they are more responsive to the feelings of mankind than anything the Communists have come up with. They don't want to have a cease-fire—not until various preconditions are met. They are willing to have a cease-fire with just the United States first, and with the South Vietnamese later. That is, they would go on butchering when we are out.

They are handling the prisoners of war issue in a way the Geneva agreement never contemplated. Who ever contemplated a government not receiving its own boys back, not wanting them back, and the prisoners therefore not being able to go back. They are using the prisoners of war as a form of hostage, a form of ransom. Again they are asking a political solution that is tantamount to the United States moving in and getting rid of a government that is elected by the South Vietnamese under the new constitution and replacing it by one that Hanoi wants. These are the kinds of things they are asking for. To me it is outrageous. Now there may be other things in their formulation that are acceptable. Certain things in there give us some hope and maybe we can find a formula for negotiation. I am just touching on several points that stick in my craw and I think stick in the craw of most Americans.

Mr. GALLAGHER. Mr. Secretary, I want to conclude with a somewhat theoretical question on the lessons we might learn from our tragic involvement in Vietnam. It strikes me as quite legitimate for America to assist other nations in the process of nation-building; that is, in



providing new governments with economic aid and military aid for a stable nation-building. On the other hand, I believe that the United States should clearly aid the established governments in our interests such as Thailand and Israel when threatened with aggression. What I think we did in Vietnam was to try to do both of these perfectly legitimate things at the same time. We tried to help create a nation and in doing that we wanted to establish it on Jeffersonian principles which are not possible, defend it from its enemies before it could defend itself, or even before it was fully aware that it had a national interest.

I wonder, Mr. Secretary, if you agree with this analysis and what comments you might like to offer to this subcommittee as we continue to attempt to meet our legislative responsibilities in the field of foreign affairs and its constitutional obligations as an active partner—or perhaps not so active as we should be—in the formation upon the Nation of foreign policy. One of the things that disturbs me is that we did have moral obligations to assist after doing in Diem as the Pentagon papers so clearly bring out. We felt that certain democratic elements were vital to that assistance, and in so doing we have disturbed the balance that existed there and created a moral obligation to the succeeding governments. Obviously they could not succeed without our restoring that balance, unfortunately at the expense of our American troops. Would you care to comment?

Mr. GREEN. You might say, going back to 1954, that when we first got into Vietnam in any major way the French had pulled out and as I recall, there was only part of the city of Saigon and the city of Cholon that were in the hands of Diem's forces. By and large the city was in control of a pirate group at that time.

Buttressing what you just said, Mr. Chairman, our assistance broadened all the time, it was not just military but it was in every field. I think the reason is that if you go in to help a country especially as embattled as that and where we thought we had such a stake you cannot just go in militarily because for one thing, people back here will say we are supporting a military regime. You have to demonstrate that this is a government of the people, by the people, for the people.

Particularly the Communists are charging that the government does not have the support of the people. As recently as 1969 they were claiming that 80 percent of the people in Vietnam favored the NLF. Therefore, it was necessary to have a pacification program, it was necessary to have a new constitution, to hold elections under the new constitution. Almost all, I say 95 to 97 percent—something like that—of every village and hamlet has some kind of elected official. That helps to establish the point that the people have a government that they want. There is an even more compelling reason for having a democratic process when competing with North Vietnam.

We are frustrated in South Vietnam so it is tempting to find a fall guy and charge him with all the sins including there not being a truly democratic process. That is not fair. South Vietnam may not enjoy Jeffersonian democracy but where else in a developing world do you find that?

I was in Indonesia. I think they now have the best man to run that government because he is working for the people. I think the Government of Indonesia today is the best government because it is interested

in the people and is helping to improve their conditions of life. It may not be Jeffersonian democracy but they did have relatively free elections.

Now in South Vietnam, however, it becomes all the more important that you have a free election, and our people are under very tight rules not to get involved in that election or to tip the balance in any way. A free and fair election. This election will be watched to a degree more than any other election has been watched. This is the answer to Madame Binh who wants to go through the laborious process of finding a new government, first by the United States pulling the rug out from under it so it collapses.

The next thing demanded by the other side is that there be a grouping of social and political and religious forces aspiring for peace neutrality, independence and democracy which is good Communist language—and that they form a new administration and that administration will sit down with the Vietcong and work out a new so-called government of national concord which then will hold elections. So you can imagine what kind of elections that will be by the time you get there. In other words, I do think again the point is not adequately made that we are dealing with a government that has been elected into office under the new constitution, and that that government has observed human rights by and large.

There certainly is a free press there. The opposition parties can express themselves through opposition newspapers. You have more newspapers and more foreign correspondents filing uncensored news out of South Vietnam than I believe has ever happened in a war-time situation anywhere in the world. These things are also overlooked, as I say, but they are relevant to your question because the Government of Vietnam leans over backwards to do all these things because they know they are being carefully watched by the world. They want to make the point clear that they are a government of the people, that they do reflect the will of that people. They certainly stand in sharp contrast to North Vietnam where I doubt they have ever had a free election of any kind, shape or form.

Mr. GALLAGHER. Do we have anything further?

Mr. WOLFF. I don't think so. I just want to thank the Secretary for making so frank a statement and also being so free with his time.

Mr. GREEN. I hope, Mr. Wolff, that I was not so frank that I have reason to worry. I also appreciate your questions about the Pentagon papers. I would have been very glad to go on but I think you will agree with me on one point: From now on no one can accuse the State Department of being behind the Times.

Mr. GALLAGHER. Or left at the Post, Mr. Secretary.

Thank you very much, Mr. Secretary, for your patience and frankness and for bringing such a sense of balance into our record and for providing answers to many of these questions that have been raised by previous witnesses. We are very appreciative.

Thank you for taking so much of your time to be here.

(Whereupon, at 4:05 p.m., the subcommittee adjourned.)

## STATEMENTS SUBMITTED FOR THE RECORD BY MEMBERS OF CONGRESS

---

STATEMENT OF HON. BROCK ADAMS, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF WASHINGTON

### THE BALANCE BETWEEN CONGRESS AND THE EXECUTIVE

Mr. Chairman and members of the Committee. I first want to express my support for these hearings on the Indochina war. I have advocated such hearings for many years because I believe the nation's fundamental constitutional system of checks and balances has been seriously endangered by the change in American policy in Indochina from a Presidential conduct of foreign affairs to a full-scale war lacking constitutional approval by the Senate and the House of Representatives.

This has been a long, slow process, but until recently the issue has never been debated or acted upon by the traditional American governmental or political system. The recent publication of the "U.S. Vietnam Relationships, 1945-67" (Pentagon Papers) demonstrates how this occurred piece by piece from the 1954 French withdrawal to the establishment of today's continuing full-scale war.

I arrived in Congress in January of 1965 after the August 1964 vote on Vietnam, which is now known as the Gulf of Tonkin Resolution. I remember vividly my first briefings at the White House on the war and my confusion as to why Congress was not more involved in the decision to dispatch troops in the spring of 1965. There was no resolution declaring war and no attempt by House leaders to prepare a detailed authorizing resolution or appropriations limitation on the use of American military forces in Indochina. This involvement was treated as an Executive action under the constitutional power to conduct foreign affairs. After the troops were in action, the power of the Executive was widened by use of "Commander in Chief" constitutional powers.

This period can be likened to the famous fairy tale of the emperor's new clothes, with Congress compared to the parents of the innocent child. You will remember in that story that the head of state established a policy of developing a new wardrobe. He was given advice by two counselors on how to proceed in creating the new suit of clothes and how the state's resources would be used for this purpose. Even more important, they developed a policy (accepted and believed in by the people) that the wonderful clothes would remain invisible to everyone who was incompetent to hold office or who was stupid.

Of course, the policy was bare because there was no suit of clothes. But no one voiced that essential fact or even debated the whole program while a vast amount of resources, consisting of delicate silk and pure gold thread, were being expended.

Finally the day came for the procession. The unclothed emperor appeared and paraded the length of town, with public officials still supporting the "policy" because they did not want to be called incompetent, and the citizens refraining from commenting because they did not want to be called stupid. As happened with us, the innocent children and those who did not care what they were called and thus could be defined as neither incompetent nor stupid stated flatly, "But the emperor has on nothing at all." And, this, of course, is what has happened to all of us.

Since this is a time when everyone seems to be examining his own files or somebody else's, I decided to look at my own. I have my letter to the President dated August 11, 1965, in which I advocated that sound economic and political reforms and action must be taken to match our military action. My search continued through other letters and comments, culminating with a statement on August 9, 1967, as follows:

"I followed, and followed and followed. Now I refuse to go any further. We have reached the point where we have to say to the President, 'You've got to do



better than you've done.' I cannot support a tax increase to further escalate an Americanization of the war in Vietnam.

\* \* \* \* \*

"Many of us questioned the policy of steady escalation, but have not expressed direct opposition until the results could be seen. Now after this period of time we find neither a military victory nor the creation of a popularly supported government in South Vietnam dedicated to the eradication of corruption or to the promotion of land reform.

"Our policy of Americanization of the war has tended more and more to make the South Vietnamese dependent on us, rather than to fulfill their own responsibilities."

The reason many of us were not vocal in support of the so-called Nixon plan of de-escalation is that we suggested this as far back as March 1967, during the debate on the supplemental defense authorization bill, and we feel that progress in the last four years has been far too slow. The result has been that the domestic disasters which we predicted both on the floor and in speeches throughout the country have come to pass.

#### A BIPARTISAN FOREIGN POLICY FOR PEACE

My position this year has been that the leader of the party in opposition to the Administration should affirm a bipartisan policy for peace and move away from our former bipartisan policy for war. The Democratic party should continue to confirm to the President its support for a definite date to end the war in exchange for a release by Hanoi of all prisoners of war. Further, a definite timetable (whether it be six months or nine months is academic) should be indicated during which time the government of North Vietnam and the NLF would demonstrate their good faith by returning prisoners and observing a ceasefire, while at the same time the American government would show its good faith by withdrawing its troops to meet the withdrawal date. At the end of that period of time, the situation would be one of the South Vietnamese facing the North Vietnamese in Indochina with certain knowledge that they must settle their own differences, as has always been the case. This would give the government in South Vietnam a final period of time to carry out necessary social, political and economic reforms to create a popularly supported government in the fall elections. It would also provide for our troops being withdrawn and our prisoners of war returned by a date certain.

If such a policy were developed by the leader of the major opposition party as it stands on American foreign policy, then President Nixon should have confidence that the war would not be a major political issue between the parties and it would truly be a bipartisan foreign policy for peace in Indochina.

#### FUTURE OF INDOCHINA

I do not think anyone should try during this process to predict the political future of Indochina, and in particular whether or not the South Vietnamese government will survive or whether Indochina will be communist, neutral or something else. No one can predict what will happen on that peninsula, but then no one knew in 1967 and no one knows today. Above all, the American people should not be led into any further great expectations about the future of Vietnam or of any of the emerging nations.

I think we can end this war now. As I have said continuously for the past four years, we have done all we can in South Vietnam. We have carried out our commitments, whatever they may be, and the future of that country must be left in the hands of the people who live there, which is where it always as been and always will be.

We can form a new policy for peace and not retreat from the reality of the world. In fact, the realistic position is to stop this Vietnam disaster and start on a new course.

#### ISOLATIONISM AND MILITARY INTERVENTION

We face the fact that a majority of Americans between 15 and 30 will probably oppose any military involvement by the United States any place in the world for almost any reason for the rest of their lives. This is a great tragedy. A generation of Americans who should have nurtured upon the idealism of the 1950's, epitomized in the election of John F. Kennedy, has become cynical or disillusioned. This generation has lost the vision of America as the moral leader of the free world.

Many young people both here and abroad look upon this country as a grasping, unconcerned military monster.

The world of the next 20 years will be a violent world in many ways with a continuing threat of nuclear confrontation between the developed nations, and continual struggles for power within and between the emerging nations. Both problems will often involve violence or threats of violence and will affect America's future. The present conflict in Pakistan is an example of what can be expected not only in Asiatic countries but throughout Africa, Latin America and elsewhere. We must change our role of being a world policeman, but we must not retreat to neo-isolationism. We can maintain our commitments and relationships with Europe and Israel without continuing our old policies. For example, American foreign policy may require that we share some military responsibilities in Europe and the Mediterranean but this does not require stationing 300,000 troops with their dependents in Europe. This was done on the premise that we should be prepared to fight a land war in Europe. We have already demonstrated in Hungary and Czechoslovakia that we are not going to interfere in the communist bloc. Our free world allies have demonstrated their lack of support for a policy that contemplates a large land war in Europe.

I have always disliked the labels of "hawk" and "dove," and I often tried to bring "owls" and "eagles" into the aviary, but I have found that in American political life we seem to deal in a limited number of comparisons and labels at any one time. I find that because I have advocated that the United States disengage and get out of Indochina, I have automatically been labeled a "dove." This has never meant, however, that I have been one who believed that the United States should return to isolationism. I think it is grossly unfair to label all those who oppose the Vietnam war as pacifists, isolationists, or some kind of nut.

I have always believed that the United States should be involved in the world, and yes, I accept the fact that humans do not always do the proper and right thing and sometimes the relationship between the United States and other nations may necessarily involve the use of military force.

The situation in Indochina was studied carefully by many of us for many months before we finally took the position long ago that this war was wrong for the United States from every viewpoint—moral—military—diplomatic—economic—or by any other test which should be used in determining American foreign policy. I simply believe that when a policy is wrong it should be stopped and a new policy established.

#### MILITARY FORCE HAS BEEN MISUSED IN INDOCHINA

In May 1970 on the occasion of the Cambodian intervention, I received an excellent brief from a group of Seattle lawyers which set forth very well the circumstances under which a President in the exercise of American foreign policy has in the past been required to use military force. There were four categories, and a fifth which described improper use of military force in American foreign affairs. These were as follows:

1. Cases where there has been a formal Congressional declaration of war—for example, World War II.
2. Cases where there has been a specific Congressional resolution allowing the employment of force, although not rising to a formal declaration of war (numerous examples, such as the American-Mexican hostilities of 1914-1917, the Tonkin Gulf resolution with respect to the Vietnamese conflict, etc.).
3. Cases where there has been a broad international sanction for the action pursuant to more general treaty commitments approved by the Senate—for example Korean action under the United Nations and the Dominican Republic action sanctioned by the O.A.S.
4. Cases where, absent any of the preceding three justifications, there has been an immediate threat to the lives of American civilians or to American property (chiefly, but not exclusively, minor actions, with numerous examples going back to the early nineteenth century).
5. Cases where, absent any of the preceding four justifications, there has been a subsequent official recognition by this country that the conditions were not ones which would justify the intervention.

The continuation of the war in Vietnam and the incursions into Laos and Cambodia do not come within any Executive powers. In my opinion, the number one cause of this disaster has been the manner in which Executive power has been used since 1954 by a number of Presidents to gradually widen the Execu-

tive power from conducting normal foreign policy and acting as Commander-in-Chief of the Armed Forces to, in reality, conducting a war.

Our rhetoric even reflects this. For many years we referred to Indochina first as a "French responsibility," then a "situation," then a "crisis," and finally in the last two or three years as a "war." (I might add that we once referred to it as the "Vietnam war" and now North and South Vietnam, Laos and Cambodia are all involved and we call it the "Indochina war.") Any time we have spent \$115 billion, suffered 53,771 casualties, and have been engaged in continuous and violent combat for over five years, we have a war. Yet we in Congress have never voted on a resolution to declare war or to declare a national emergency.

America has been torn apart because the historic American free society which has always been willing to defend and its citizens has also abhorred war as a major aspect of foreign policy. Therefore, from the time of the drafting of the Constitution, the United States has required that war be declared by Congress, or at least that Congress must declare a state of national emergency before the nation became involved in any major military action. It was never intended in the American system that the President or any other man be in a position to commit conscripted Americans to a war without Congress debating the matter and having the entire political process work so that the whole nation in effect "went to war."

A state of declared war in a free society starts a series of events which allows a society to remain free and yet able to cope with the military and social consequences of the war. If the matter has been debated by Congress and is agreed upon, or becomes a political issue which is debated and a majority decision is made that the nation should be involved in war, the Executive is then given wider appropriate war powers by the Constitution, the Congress puts into effect laws such as wage and price controls, rationing, excess profits taxes and general as opposed to selective conscription; and *everyone* (not just young draftees and some industries) is at war. It also means that government powers involving espionage, treason and other drastic changes from peacetime life are made clear, and issues such as the printing of the Pentagon Papers fall into proper constitutional categories.

Our relationships with potential allies and potential enemies then become very clearcut. It also means that the national debate about the war has occurred at the beginning of any military action, and not in a series of street demonstrations and accusations and counter-accusations after the war is already in progress. We are now experiencing the tragedy of a prolonged Executive war, and we should not repeat it.

I know many will say that it is no longer possible to have a declaration of war or a declaration of national emergency when we face a world in which there is a nuclear balance of terror. I might also have believed that at one time, but the experience of the last five years indicates that even with a nuclear balance of terror it is still possible that there can be wars of varying size, with the large nuclear powers deciding not to destroy the world with a nuclear exchange. In such cases war declarations are still valid and our treaties and commitments must be redrawn to reflect this. We can have war without holocaust, and so the argument that we are facing a potential holocaust so no one needs a foreign policy is not always true. We therefore must determine here and now for the 1970's what America's role in world affairs should be. The Congress must share this responsibility with the President.

#### FACING NEO-ISOLATIONISM

I do not support a policy of isolationism. I believe, however, that for a period of time the ability of any President to use military forces as they have been used in Indochina will be severely limited by public opinion and by the effect that a bad period of history has on the philosophy of men in public office. For a philosophical generation (a new group of political leaders) everyone will compare every action to Vietnam. We will cringe from any foreign involvement. The horrors of this conflict will also restrict the available armed forces of the United States because the refusal by the Executive and military to allow draft reforms in 1967 will probably mean an end to draft calls and maybe of the entire system in the near future.



## THE NEW AMERICAN FOREIGN POLICY

American foreign policy in the decade of 1970 will start with a withdrawal of American participation in many parts of the world. Afterwards there will be a chance to move to a more sensible, realistic foreign policy. I think all of us should start working now toward the creation of such a new posture in foreign affairs. This should mean active involvement by the United States in the world community and a continued role in the day-to-day changes that occur within and between nations as they go through the upheaval that marks the emerging nations. It does not mean we can or will always determine the result.

## UNITED STATES NATIONAL SECURITY

I believe in national security and that we should have proper military forces to protect us. However, this does not require a 2.6 million man standing army stationed all over the world. We have misdirected our efforts and spent immense amounts of money to maintain this huge standing army. A much smaller force of career soldiers is better. The world of the 1970's will probably involve maintaining nuclear deterrents between the major powers, by agreements hopefully, and if not, then by continued matching of deterrent forces. A reduced level should be an attainable goal. It will also mean the existence of only those forces necessary to carry out proper foreign policy Executive functions. I also favor a rotating trained reserve for a national emergency or protection of the nation because I believe the citizen-soldier concept is important. I hope we will develop a universal national service system. This does not mean a continuation of the 2½ war military policy concept which prevailed in the 1930's. That policy developed by the military was based on the United States military philosophy that the United States to keep the peace must be prepared to fight a land war in Europe and a land war in Asia simultaneously and still have enough strength to aid in the suppression of a military outbreak in Latin America or elsewhere. These are outmoded military concepts. We cannot expect to impose our will on the world. If we look to our national security in these new terms and end the Vietnam war, we can expect a diversion of funds from the present swollen military budgets to begin to make funds available to meet our urgent domestic needs.

## CONCLUSION

The present controversy swirling around us regarding the manner in which we became involved in Vietnam should not be allowed to become a matter of trying to fix blame on a particular individual, political party, group of advisors, of generals, or on anyone else. It should be used by this Committee and by the non-Executive branches of our government to chart a course to insure that we never again in our free society forget that all three branches of government and the people must legitimately support our foreign policy, with full access to the information and issues involved. Of course, there is an occasional need for secrecy in terms of vital matters of national security, particularly when they involve the lives of men fighting battles in far-off lands. But if we are to remain a free and open society, the flow of information to the people and any controversy which may result must be met in the original stages of the development of policy and not after the policy has been formed.

The recent episode of the "Pentagon Papers" demonstrates the need for review of the present status of classification of materials and basic definitions of "espionage" and other laws designed to protect necessary secrets. We have fallen into the error of allowing the Executive free reign in what can be defined as "secret" or "classified" public documents. This has led to a system where certain information is "leaked" or other information is suppressed, not for vital reasons of national security but because of an attitude of making nearly everything secret or classified. When everything is made secret or classified, then, of course, nothing becomes secret or classified because the number of people necessarily involved in transmitting, storing and handling a huge amount of material makes it impossible to guarantee secrecy. Certainly information which can involve the lives of our men in battle can and should be placed in a top secret category, and there are certain diplomatic exchanges which cannot take place unless secrecy is maintained because of the other party's insistence upon it. It should, however, be our policy to declassify information as rapidly as possible after an emergency has passed, and the use of "top secret" should be limited to a very few functions.

This will always be a difficult system to operate, and it is very different from

the manner in which most other governments operate, and in particular both the traditional European and Oriental closed form of governments. Ours has always been a different society which has drawn its strength from popular support of the people, and long-range policy is determined by an informed citizenry which periodically makes its will known through the electoral process. When the electoral process is subverted through lack of information, or the failure of both the men and the system to respond to major national issues, then we will repeat the errors of the traditional governments of Europe and the Orient.

It is with the hope that we have a reawakening of the traditional American system of free and open debate and an honest, realistic revival of the check and balance system that I present my testimony before this Committee on both the substance of the Vietnam conflict, and, more importantly, on the system which I hope this Committee and the entire House of Representatives will use in dealing with the major problems in American foreign policy in the future.

---

STATEMENT OF HON. JOSEPH P. ADDABBO, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF NEW YORK

Mr. Chairman, I welcome this opportunity to present my views on the Indochina War to you and the distinguished Members of the Subcommittee on Asian and Pacific Affairs.

My position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriations Committee, I have voiced concern over the expansion of the war, the extent of our role in Southeast Asia, and my support for a Vietnamization policy which should end our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of continued pullouts. I believe that after 10 years—after all our dead and wounded—after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea—after 40 percent of our troops starting to use drugs, it is time to let the South Vietnamese know that they must take over the responsibilities in the field.

The South Vietnamese did not start drafting their 18 year olds until we gave them an ultimatum so once again I believe we must give them an ultimatum—a definite date beyond which the United States will not continue to provide troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program. The South Vietnamese have been fighting in Cambodia and Laos and they have told us that they will get out of Cambodia when they wish. South Vietnam has had an election and they will have another in September. If they cannot go it by December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the war. That plan had to be withdrawal of all American forces for in reality the Vietnamization program was started by President Johnson when he ordered the training of the South Vietnam Army to defend itself under the pacification program. By calling for complete withdrawal by December 31, 1971, we are supporting the policy of Vietnamization but calling for its completion in 1971 instead of 1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops will be withdrawn from Southeast Asia. I say let that be our policy and let it be achieved by the end of this year.

---

STATEMENT OF HON. O. CLARK FISHER, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF TEXAS

Mr. Chairman, I welcome this opportunity to testify regarding the war in Indochina. As we contemplate withdrawal, with all the attendant problems, keeping in mind the plight of our prisoners of war, we know there is no magic solution. This being an international matter, we must of necessity depend upon the President and Executive branch to lead the way.

It is most appropriate, as I see it, that members of Congress exercise restraint in proposing specific withdrawal dates and including other details about the

many sensitive issues which are properly handled by negotiations with the enemy. Any resolutions, therefore, should be so worded as not to rock the boat and to keep those considerations in mind.

We should avoid any resolutions which might be interpreted by the enemy in the wrong way, which might cause the Communists to misjudge our will and our purpose. Above all, we should avoid doing anything which might be inconsistent with the objectives of our negotiators in Paris.

While I question the value or the propriety of the Congress attempting to fix a date certain for our withdrawal from Vietnam, if such a course is followed I feel it to be imperative that we impose corresponding conditions upon the North Vietnamese who are the only aggressors involved in the conflict. A unilateral proposal to be out of Vietnam by a day certain, without imposing a similar conditions upon the enemy, would play into their hands and would amount to an act of capitulation and surrender on our part.

In other words, if the Communists should change their intransigent attitude and decide, in good faith, to end the fighting and settle the issues, we have already made it clear our government will meet them more than half way. They know that. If they really want to end the war, then why should they not be willing to agree to get out themselves? It is just that simple.

Any resolution we approve should, of course, include a positive requirement for a release of all prisoners of war. Such an approach could be expected to bolster, not compromise, the objectives of our negotiators in Paris.

With respect to the fate of our prisoners, we can ill afford to forever give up any bargaining advantage we now have.

#### THE POW ISSUE

As we proceed with withdrawal plans and negotiations, the paramount overriding problem relates to release of the prisoners. In that connection, the Communists have made it crystal clear that an announcement of a day certain for our pullout would, at the most, only cause them to "discuss" the POW issue.

The enemy has blown hot and cold on this line. On the one hand, they use American visitors in Paris to feed soft line propaganda for U.S. home consumption, and on the other they change their tune when talking on the record at the peace table. That fact has been repeatedly documented.

Coming from the Communists, a promise to "discuss" the repatriation of prisoners does not, of course, mean anything. Only two weeks ago their chief negotiator in Paris made it clear that in addition to the day certain requirement they would also demand compliance with *two new conditions*—that we cut off all military and economic aid to South Vietnam, after our troops are out.

What does this mean? It means they will impose conditions which would enable them to take over the South before—by their own pronouncement—they will stop shooting and before they will "discuss" prisoners.

#### COMMUNIST DECEPTION

Let us not be deceived by Communist double-talk. "The voice is Jacob's voice, but the hands are the hands of Esau." It will be recalled that when our planes were bombing the supply lines in the north, Hanoi insisted that a negotiated settlement would come about if and when that bombing was stopped. They made a world issue of it. Bombing was made the one stumbling block. Remember that? Well, their bluff was called. Bombing in North Vietnam was stopped, and the world awaited an immediate settlement. What happened? Nothing. For three long years they have refused to negotiate anything.

#### UNITY IS THE ANSWER

While I have felt from the beginning we had no business over there unless we were there to win a military victory—which undoubtedly could have been achieved long ago had the military been permitted to determine the strategy and choose the targets—our government is now committed to mass withdrawal, coinciding with a Vietnamization program. I think that plan should have united support from the Congress and the American people. Lack of unity in this country has served to prolong that war.

While I was in Paris recently I attended a briefing conducted by one of our chief negotiators. He said the noise that comes from war protesters in this



country tends to bolster Communist intransigence, and obviously makes a negotiated settlement more difficult.

As I see it, this is no time for us to engage in gestures of appeasement and piecemeal legislation along the same line. The enemy has been bled white during that war. An estimated 750,088 Communists have been killed, according to the most recent report. Our losses of more than 45,000 are unacceptably high. It has indeed been a tragic involvement. The South has lost 131,285.

The ARVN's are today admittedly much stronger than they have ever been. They may or may not be equal to the challenge, once we are out. That remains seen. Under these circumstances it is understandable why the Communists are so desperately anxious that we pull out under conditions which would enable them, despite their plight, to take over. Therein lies our chief bargaining advantage.

Mr. Chairman, there is nothing we can do in the Congress that cannot be done, and much better, by negotiating in Paris. A proper and meaningful approach would be for the Congress to adopt a resounding resolution, giving solid support to our Paris negotiators and their objectives. That would provide the best hope for the release of our prisoners. Remember this: Unity in this country is what the Communists are most afraid of.

---

STATEMENT BY HON. JOSEPH E. KARTI, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF MINNESOTA

Mr. Chairman, I appreciate the opportunity to present my views on the Indo-China war before your subcommittee. Briefly, I will review some of my involvement in this question and some of the issues that stand before us today. Of primary concern to me is the question of executive primacy and the need for Congress to re-assert its rightful and constitutional role in determining foreign policy. We must be certain not to have any more Vietnams.

When I began my fight against the conduct of the war in 1966, I sometimes felt as if I was shouting into the darkness, although there always has been a body of anti-war feeling in my district. In February of 1967 on the St. Thomas College campus in my district, I delivered my first major address against the war. It was reported in the *Minneapolis Star* following my speech that it "marked the first major policy split between the Democratic Congress and the administration of President Lyndon Johnson." While at the time I was in the minority, I am today encouraged by what I see happening in Congress.

Specifically, I am encouraged by the number of Congressmen who have now changed their position in respect to our action in Indo-China. And I am impressed by the new awareness by Congress of its role in determining our country's foreign policy.

But what of our present problem?

We are told that the war is being wound down, yet that is difficult to believe in the light of our two most recent invasions and the revelations concerning our deep involvement in Laos—both on the ground and in the air.

Mr. Chairman, it appears that the administration has discovered what it believes to be a new and indeed unique way to withdraw from Southeast Asia. Rather than the traditional route east over the Pacific Ocean, this administration seems determined to get us out of that area by heading west through Asia.

At the rate we have invaded Cambodia and Laos, I drew up my own withdrawal timetable, and based upon my estimates the last of our troops might well embark for the United States via the Suez Canal sometime around 1979.

And then there is the terrifying use of the word "only" by the administration in an attempt to convince the people that the war is being wound down. In recent weeks we have read the administration's latest casualty figures that state "only" 19 were killed in Vietnam. Tell the mother or father of any one of those 19 dead that he is one of "only." Over 45,000 Americans have been killed and 300,000 wounded. If it is a consensus that we erred in becoming involved we should get out as quickly as possible, but certainly no later than New Year's Day, 1972. That war is not worth one more American life from either an enemy bullet, or from the slow death of drug addiction.

But, Mr. Chairman, there is no reason to believe that unless pressure is continued upon the present Administration by Congress specifically and the public in general that this agonizing disengagement will not drag on. I say that the

Johnson administration was wrong, this administration is wrong, and the majority of the people now agree.

Several key issues enter into any serious discussion of our involvement in Southeast Asia. We have the question of Vietnamization versus negotiation. This administration has apparently given up any hope for a negotiated settlement through the Paris peace talks. Only a week ago the Secretary of Defense suggested that the peace cannot be obtained in public meetings or on the floor of the House or the Senate. The Secretary is wrong—it is precisely because of the failure of the Administration to set a deadline at the Paris talks that we have had to seek peace in Indo-China through other means—primarily legislation.

But this attitude by the Administration is not surprising. Since its election it has been trying to tell us to shut up because everything is all right over there. Well, it isn't and we won't be quiet.

Meanwhile, as the negotiations are neglected, Vietnamization is stepped up. Mr. Chairman, I originally supported the concept of Vietnamization so long as it was coordinated with serious negotiation in Paris. But simply to Vietnamize the war without any real prospects for peace would result in Asians killing Asians, with American pilots dropping the bombs. We must work for a withdrawal deadline to end the killing and the suffering in that wretched part of the world—a withdrawal timetable would speed the negotiations. And we cannot claim to have withdrawn from Vietnam until we stop killing people there—changing our role from bullets on the ground to bombs from the air does not reduce our responsibility.

Some bring up the point of Red Chinese expansion as a reason for our continued role in Southeast Asia. Yet, we too are contributing to expansion of the war. Previously Cambodia and Laos were staging areas, now they too are battlefields. I hold no trust of the Red Chinese leaders, don't misunderstand, but they are a country that has been wracked with its own civil and domestic strife in recent years. And we have seen that the Red Chinese threat of several years ago in India was in part provoked by India's leaders trying to prove that they weren't "soft." Frankly, I suspect that's our reason for being in Vietnam. How far can we expand the war in Southeast Asia before the Red Chinese are provoked—certainly not indefinitely as we learned in Korea. On the other hand both the North and the South Vietnamese are fiercely nationalistic people, and theoretically, at least the North is fighting in an effort to unify the country. If we continue applying severe military pressure upon North Vietnam we will in effect drive that country to seek more and more aid from its Red Chinese and Soviet Communist allies and neighbors. We cannot and should not look at the events in isolation.

We have seen before that continued bombing stiffens resistance, yet we persist in the belief that we can force the enemy to capitulate at the bargaining table through military pressure. This policy has failed in the past and is failing now.

Then there are those who predict a bloodbath if we leave South Vietnam. That is a surprising fear since a bloodbath has already been inflicted there with saturation bombing, search and destroy missions, and free-fire zones. Under international supervision there could be no Communist-led bloodbath. But unless we work for a negotiated peace we run the risk of a Communist victory over the long-haul. And without negotiations and international supervision we do indeed run a bloodbath risk. That makes our withdrawal and serious negotiations all the more compelling since the "anti-bloodbath" agreement would be a subject of negotiations along with prisoners release for a definite withdrawal timetable.

The question of war crimes which haunts the American people should be resolved by a United Nations investigation into war crimes committed by *both* sides in this conflict. Self-flagellation in the name of our own crimes does little to solve the real war crime issue. I see no answer to this question without international cooperation.

Finally the question of the prisoners of war. Historically peace negotiations begin seriously only after the fighting stops. The prisoner of war issue will certainly not be solved by ill-conceived grandstanding commando raids, not by a refusal to negotiate in Paris. I have said to the people of my district that we must not allow the prisoner of war issue to become a political issue, but the attitude of the Administration has made it just that.

Mr. Chairman, in the light of these considerations and others, I recommend the following:

1. I urge an immediate cease-fire in the entire theater of operations including Laos and Cambodia based upon mutual holding actions.

2. We must set a withdrawal date and stick to it if meaningful negotiations and a return of the prisoners is accomplished. I favor an immediate withdrawal, but under the circumstances, I would support a withdrawal timetable that would have our troops, *all* our troops, out by the end of 1971. I have co-sponsored and supported legislation to that effect.

3. We must negotiate firmly and fairly in Paris recognizing that continued military pressure has not and will not force the enemy into concession or submission any more than it would the U.S.

4. We must seek international cooperation in helping to end this war through the United Nations.

5. We must guard against future Vietnams by re-asserting the constitutional partnership of the executive and the legislative branches of our government.

6. Finally we at home must continue to raise our voices inside and outside of the Congress for peace.

Mr. Chairman, before I conclude my remarks, I would like to inform this subcommittee of the feelings of the people of my district and state concerning this war. My own polls at the district level show a nearly three-fourths majority against the war. In contrast my 1967 poll showed only 20% of my district opposed the war. In addition, the state legislature has passed a resolution directing the state attorney general to explore the constitutionality of Minnesota draftees being sent to an undeclared war. The Governor of Minnesota, Wendell Anderson, has endorsed a "Dump the War" rally in Minnesota. Also, the Ramsey County Board of Commissioners has passed a resolution asking the House and the Senate to cut off the war's funds until such time as the President acts to set a date for the withdrawal of all United States combat forces from that area.

Mr. Chairman, these are not isolated incidents, but the deep concern for peace expressed by the people in my district and the elected officials of my state.

We have heard the President say he does not want to preside over the first defeat in our country's history. Historically he is wrong on that point, but regardless, he may find himself going down in history as the President who prolonged and widened a war that very few at home could justify now that the facts are becoming increasingly well known.

I am not concerned with the President's future story in the history books. I am concerned about bringing peace to Indo-China, a peace it seems that Congress must lead the way to finding.

Thank you, Mr. Chairman.

---

STATEMENT OF HON. ROMANO L. MAZZOLI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Ten years ago this year, the first American soldier lost his life in a little-known Southeast Asian country called Vietnam. Now, a full decade later, Americans look back on a great national sacrifice: 50,000 of our finest young men have died, over 300,000 have been wounded; and thousands of broken families and shattered lives offer mute testimony to the high price we have paid for this war.

We look back on hundreds of billions of dollars of our precious national resources drained off in a remote place—resources sorely needed here at home to clean our air and water, rebuild our cities, educate our children, and restore prosperity to our war-weary economy.

We have seen thousands of injured and crippled veterans return to this country only to find that they sometimes do not receive the best care their country can provide—the kind of care they deserve.

We are shocked to find thousands of young American soldiers falling into the trap of heroin addiction in Vietnam as they wait out the endless weeks and months for the day they can come home to their loved ones again.

And we wait helplessly from halfway around the world as hundreds of American pilots and soldiers languish in captivity in North Vietnamese prisoner of war camps.

Our nation has not begrudged these sacrifices. We have throughout our history given willingly where sacrifice has been called for. But now it is time for a reckoning, for an accounting. It is now time to say "we have given enough". We have endured the longest and most trying war in our history, and endured it honorably—now it is time to draw back and heal our wounds.

It would be wrong to trace all of our society's ills to the Vietnam war. But it is true that the war is the root of the raging inflation that has eaten away at



paychecks for the last five years. It is true that an effort to control this war-fueled inflation has thrown tens of thousands of working Americans into unemployment lines. And it is true that the war has widened gaps between white and black, old and young, and rich and poor.

Just to set a date ending our participation in this war will not bring us together. It will not by itself assure proper care for injured or drug-addicted veterans. Nor will this measure alone bring home our prisoners of war. But it is a necessary first step to all of these.

For these reasons, I supported on the floor of the House the Nedzi-Whalen amendment to the Defense Authorization Bill, which would have prohibited the use of material procured under the authorization of the Military Procurement Act after December 31, 1971. The amendment provided for the safety of American troops during withdrawal and opened the door for new negotiations on prisoners of war. If the time were shown to be inadequate, the amendment allowed for consultation between the President and Congress on additional time for withdrawal.

With these safeguards, I believe it is possible to withdraw all American troops safely and honorably from Vietnam by December 31, 1971. This is a goal to which I pledged by effort last year and one toward which I have worked this year. I supported the December 31 deadline earlier in the year in the House Democratic caucus, and I voted for a Senate amendment to the draft bill which would have made withdrawal of U.S. troops within nine months U.S. policy. I will continue my efforts toward this goal until the last American soldier is brought home.

---

STATEMENT BY HON. PARREN J. MITCHELL A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF MARYLAND

It is reason for encouragement as well as dismay that so many Member of Congress are testifying on the war in Indochina before the Asian and Pacific Affairs Subcommittee of the House Foreign Affairs Committee. This is a heartening event in that it demonstrates yet again the overwhelming opposition to this senseless conflict on the part of both this Nation's citizenry and their elected representatives in this Congress.

At the same time we must be discouraged by the futility of such an outpouring of opinion against the destruction and violence here and in Indochina which has consumed the lives of thousands of Asians and Americans. It is an expression of disgust that has been largely ignored by those who are capable of putting an end to this military folly and who have compounded their error by seeking to prevent the American people from learning the true nature of the decisions which have resulted in the horrid course of events.

Beyond the nature of the disclosures concerning the executive branch decisions that have led us to the situation that we face today, the controversy surrounding the publication of the Pentagon study on Vietnam demonstrates that many Americans have lost their faith in the Government which purportedly represents them and that the Government is fearful of letting the people know what it has done in the past is still doing today. It is our responsibility to restore the faith of the American people in our Government.

We cannot speak piously of a system of laws and then blithely disregard those limitations upon excessive governmental authority when it suits us. We cannot expect our young citizens to keep their actions within the law if we fail to do so ourselves.

Those who argue that the revelations in the Pentagon papers should come as no surprise to the American people are correct. We have long been aware of the Government's misleading of the public in the inflated body counts which included dead animals as well as the enemy. The pride taken in the week's "kill" also demonstrates the coldness and indifference towards the destruction we are inflicting in Indochina which has come to characterize and to plague the American psyche.

The Pentagon papers have also revealed that the CIA told the present administration in 1969 that the Domino theory was not applicable to the situation in Indochina. Yet the President still speaks of a Communist threat to the stability of the entire subcontinent. If the President should change his line of argument in defense of our continued support of the discredited Thieu-Ky regime, that will not be anything new either. We have already heard far too many different justifications for our support of various regimes and for our involvement in

the war. As each of these arguments has been successively knocked down, a new one has sprung up in its place.

Neither is the executive branch's disregard of the first amendment and its protections against prior restraint of the press a recent outgrowth of this military folly. Soldiers, congressmen, and ordinary citizens have been watched by the FBI in a vain and illegal attempt to limit the outpouring of dissent which this war has engendered. It cannot be considered traitorous to oppose this illegal war which has destroyed the people and land of southeast Asia and torn our nation asunder. We must exert all our efforts to end this war.

Along with twelve other Members of the House of Representatives, I have filed a suit challenging the constitutionality of the President's waging this war without the consent of the Congress. The declaration of war clause of the United States Constitution (article I, section VIII, clause II) is clear proof of the founding fathers' intention that the executive alone should not be able to take this nation into war: Only the Congress has the power to declare war. The exigencies imposed upon the conduct of foreign affairs and war-making with the advent of the atomic bomb in no way permit the President to perpetuate the extended involvement of American men and money which we have squandered in Vietnam. Nor can the executive claim that congressional votes to continue appropriations for the soldiers who are in the battlefield and to extend the draft which sends them there are in any way equivalent to a congressional declaration of war.

Our case was dismissed last week by Judge William Jones of the United States District Court, Washington, D.C., without our lawyers' presenting any oral arguments on our behalf, but we have already appealed the district court decision to the appellate court. In its motion to dismiss, the Government contended that the President's powers as chief executive are sufficient to uphold his taking us into this war in the manner in which it has been done. The Justice Department has also argued that as congressmen we lack the standing to bring such a suit against the Government. The doctrines of separation of powers and checks and balances will be mere charades if there is not a full airing of the issues we have raised in the case.

Our legal protest of the manner in which this war is being conducted is but one of many outcries against this slaughter. Despite this growing clamor for a change in our policy, President Nixon has widened the war into Laos and Cambodia, claiming victory and continued success for his Vietnamization program when the evidence clearly indicated otherwise. The much heralded Vietnamization of the war will mean that yellow-skinned people will do the dying instead of white, black, and brown-skinned Americans. Over 50,000 Americans have already died in this war. Three hundred thousand Americans have been maimed and wounded. We must not let those numbers get any higher. Neither can we permit the total of Vietnamese dead and wounded to mount any further.

What is at stake is not the stability of the Thien-Ky regime we have been upholding for too many years. What is at stake is the credibility of our own system of government and the future course of our Nation. We cannot continue to ignore the problems that are before us. We cannot forsake the common good for the concerns of special interest groups. We cannot seek to place the blame for our difficulties upon false scapegoats.

As elected representatives of the American people, we must restore faith in our system of government and society that can only be done by putting an end to this ghastly war immediately and by insuring that Vietnam marks the end of an America that is insensitive to and ignorant of the real needs of its people as well as those of other nations.

---

STATEMENT OF HON. DAVID R. OBEY, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF WISCONSIN

Mr. Chairman: I would like to direct my remarks before this Committee to bill H.R. 4243, introduced by Congressman James Symington and myself last February.

This bill finds that "the President and the Congress share the responsibility for establishing, defining the authority for, and concluding foreign military commitments."

Similar to other measures before this Committee, our bill would limit the expenditure of funds in or over Vietnam to that amount required to bring about the orderly termination of military operations and the safe and systematic with-

drawal of remaining American troops by December 31, 1971; to insure the release of prisoners of war; to arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and to provide assistance to the Republic of Vietnam consistent with stated objectives.

I would like to emphasize, however, two points about this bill which make it different from others introduced in the Congress.

First, while our measure would require the withdrawal of American armed forces from Vietnam by December 31, 1971, it would do so "unless the Congress by joint resolution approves a finding by the President that an additional stated period of time is required."

Second, while our measure would also limit the expenditure of funds to the Republic of Vietnam consistent with certain stated objectives, such assistance would have to be "in amounts and for purposes specifically authorized by the Congress."

Mr. Chairman, Congressman Symington and I believe it is important to restore public confidence in the Congress as an institution capable of asserting its appropriate responsibilities in the conduct of international affairs. But we also believe it is possible to do so without irrevocably tying the hands of the President in the process. It is for these reasons that these two particular points were included in our bill.

The first point makes it clear that the Congress does not intend to tie the hands of the President, but also retains for the Congress the final authority to determine the extent of our future commitment in Vietnam. The second point makes it clear that it is the Congress which has the final authority and the responsibility to specify the amount and purposes for which funds may be expended in connection with our efforts to withdraw from Vietnam.

For too long the Office of the President has had to bear the full burden of the conduct of this war. That is not good for the Congress. It is not good for the Presidency, and it is most certainly not good for the country.

This legislation is an attempt to again establish the principle of *cooperative responsibility* between two branches of government, and, it is hoped, in the process, suggest a way to obtain release of American prisoners of war, end American involvement in the Indo-China war, and provide incentives for a compromise settlement by all parties within South Vietnam.

STATEMENT OF HON. JOHN R. RARICK, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF LOUISIANA

Mr. Chairman, Members of the Committee: I appreciate this opportunity to submit a statement in behalf of my bill, H. Con. Res. 66, providing that there be no withdrawal of our troops from the Vietnam War area until agreement has been reached for the release of all American POW's.

Because there are many Americans who do not believe in surrender in any war where our country has the overwhelming capabilities and power to quickly end by victory; and because the original reasons for which our country became involved in Vietnam continue to exist, I feel the Committee must give full consideration to all alternatives to peace in Vietnam. That includes ending the war by victory.

The testimony given before the Committee, for the most part, and the rationale for concluding the war have been pleasant sounding and well meaning rhetoric. Everyone has an easy solution. The only problem is that we are talking about ending the war among ourselves and not tuned in on the enemy.

No one likes war, and I doubt if history ever records any moral war. But, the enemy seeks victory and is unashamed and suffers no guilt because it dares to so proclaim. No-win wars are detrimental to all but especially to the politician. The masses of our people have been constantly fed propaganda and rumors and have become so convinced that their sons will not be permitted to end the war victoriously that public opinion has been almost completely, and I might add blindly, turned against our involvement. No one with a forum reminds the people of the consequence of losing a war by immediate withdrawal, nor the propaganda effect to be interpreted by our men running from the battlefield under a modern war where 90% of the battle is propaganda. Nor does anyone remind the American people that if we abandon our pledge to halt Communist aggression in Vietnam and the Far East, that we are not ending the war, but that our men will bind themselves recommitted to conflict elsewhere. If we will



not take a stand in the Far East, can we be expected to have the moral determination and will to survive by defending the Philippines from Communist aggression, or Hawaii, or Australia? Or will we defend our country when the Communists have taken over California, or will we take a stand on the east bank of the Mississippi when the Communist action is on the west bank?

We were once convinced that the need to contain Communism halfway around the world was vital to our peoples' security and peace so that should there be future hostilities the battleground would always be on foreign soil, rather than in the United States. Have our people forgotten the havoc and destruction that was in Germany, France, and Poland, which was the battleground of the last great conflict?

There are no easy solutions to war, for wars are ended either by winning or losing. And, if a country does not win, it loses. There are, therefore, no other alternatives except for semantics and deceit. It is criminal beyond all comprehension for any great nation with the manpower and capability to end a shooting war quickly, to deliberately procrastinate and intentionally lose.

Noteworthy, all of the well-conceived resolutions which report to encourage the Executive to set a date for withdrawal from Vietnam contain one catch provision. That is the provision adopted by the Democratic Caucus:

"... and to bring about the release of all prisoners in a time certain during the 92nd Congress."

Such was in the language in the Mansfield resolution to end the war in nine months

"... subject to the release of all American Prisoners of War held by the Government in North Vietnam and forces allied with such Government.

It is truly unfortunate that the opinion makers of this country in stirring up the emotion and hysteria about bringing the boys home and ending the war, do not tell our people that all of the end-the-war actions are contingent upon the release of our POWs. Nor has anyone suggested how our POWs can be regained or freed if our troops were all withdrawn.

Thus it must be obvious that even those who hope to affect public opinion on the war are very aware of the immorality of any proposals which would abandon our POW's. Therefore, the resolutions of withdrawal are spurious and irrelevant since if the war is to continue until our POW's are recovered, it must be common sense that the only way our captive fighting men will be recovered will be either to go get them or win the war and recover them. To those who feel that we can talk reason with the enemy, we need only look at the record of broken promises and lies of the North Vietnamese since the time that country was separated into North and South.

In all wars before Korea and Vietnam, Americans fought for freedom—now our men are taught they fight to "win the peace", whatever that means. In all previous wars fought by Americans our fighting men were taken POW's. Yet, in all past wars except Korea, our POW's were recovered because we won our wars. History repeatedly teaches that any country that loses its wars can not only expect not to recover its captured men, but that they become pawns of political and propaganda use by the enemy. Likewise any country that loses its wars can expect to find its fighting men tried for war crimes and atrocities.

Our present soft-on-Communism policies and attitude and announced surrender military plans have already created the reaction atmosphere of national defeat and indignation. US POW's are treated as propaganda hostages—their wives, mothers, and children blackmailed for the possibility of their release by their captors, and US men from enlisted to general grade are being tried by our government as if to win peace talk points by appeasement.

We hear much these days about priorities—civil rights, poverty, welfare, guaranteed nutritional diet, and financial aid to the cities—in fact physical and financial security of the individual is now being made as if a responsibility of the federal government.

To those who so believe or are interested I can only ask what responsibility as a people and a government do we owe to every American held POW in a stinking Communist prison camp? Among priorities I say recovery of our POW's must be No. 1. Our POW's have shown their duty to us and our country—we must consider their rights and our responsibility to them. As Americans, they have not lost their Constitutionally secured rights merely because they are POW's.

It has only been Communist leaders who have regarded their captured fighting men as expendable and de facto casualties unworthy of recovery.

Withdrawal of all U.S. forces without recovery of our POW's will be the most immoral, callous action every taken by this government or tolerated by our people. Because we have silenced and handcuffed our military in favor of politics and tried to fight wars by public opinion polls, Americans are now boxed in. We are now caught in our own trap.

Public opinion is soured on our mission in Vietnam, but we cannot retreat from the battlefield without regaining our POW's. That the Reds do not give us our POW's to make retreat politically victorious must be regarded as evidence of the Communist intent to further exploit captured Americans to make the U.S. the laughing stock of the world. Public opinion based upon controlled facts and poor leadership is subject to change overnight. What has been made to appear as a demand for a rout from the battlefield today can be a cry for the blood of traitors tomorrow.

As General McArthur, who constantly warned against committing U.S. men in an Asian land war, said,

"In war there is no substitute for victory."

And in this instance a victory is still within our grasp, which could find the war ended, our POW's home before Thanksgiving, as well as a peaceful withdrawal of our troops.

I have been a POW and I can tell you first-hand that it is a psychic blow to lose one's freedom and be forced to work as slave labor. And being a POW of any foreign government differs greatly from incarceration in the penal systems and jails of our country which are under attack by our do-gooder friends. In a POW camp there are no color TVs, visitation hours, or sympathetic rehabilitation officers.

Our POW's in Vietnam not only suffer the loneliness and frustration of loss of freedoms, but we can be assured they are repeatedly being told of the persecution of our military men by our government and the politically popular pull-out resolutions. What greater denial of the civil liberties of an American by his country can there be than the uncertainty that our troops will be withdrawn from Vietnam, and he, the POW, abandoned by his own people and country.

Mr. Chairman, in view of my remarks, I urge that this subcommittee give early and favorable consideration to recommending that Congress rephrase any Vietnam withdrawal resolutions so as to include priority of action. That is the recovery of our POW's before any other consideration. To this end, the recovery of the POW's should be mentioned first and any deadlines or other conditions indicated as secondary.

Any total withdrawal of our armed forces without concluding the war in a final manner will haunt our nation's leaders and each of us hereafter. But to brazenly even consider our implying the abandonment of our POW's will be a national disgrace and a degrading insult to every American fighting man who has ever fought for his country.

I urge adoption of my bill H. Con. Res. 66, or other pending legislation with similar intent and phraseology.

---

STATEMENT OF HON. JOHN G. SCHMITZ, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF CALIFORNIA

Mr. Chairman, I welcome this chance to present my views on the war in Indochina.

Looking backward we would all agree that our nation would have been much better off today had this war ended in 1966, 1967, 1968, 1969, or 1970. The length of the conflict has been the major factor instrumental in mounting the casualty rates higher and higher.

I think that we all also agree that the United States could have ended the conflict at any time it chose to do so. I am not speaking here of United States surrender in Vietnam by the rapid removal of our fighting forces from that theater, for that would simply end our participation in the war. The war would go on without us.

The United States has, and has always had, the power to end the war at any time by effectively utilizing the military forces which are at our disposal. Recently published documents have revealed that this course of action was recommended by our military men from the beginning of the conflict. The head of the Central Intelligence Agency in 1965, Mr. John A. McCone, recommended that "We must strike their (North Vietnam's) airfields, their petroleum re-

sources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint."

Our policy makers chose not to follow this sound course of action. Instead they decided to pursue a policy which they referred to as gradualism and restraint. While gradualism and restraint are what might be called "nice words" the results of this policy are now written in American, allied, and enemy blood all across the face of Southeast Asia. Our limited warriors by foreswearing victory and keeping our application of necessary force below that level which would compel the enemy to withdraw his expeditionary forces from the territory of Laos, Cambodia, and South Vietnam, managed to protract what should rightfully have been one of the shortest wars in any history into the longest war in our history.

The applied doctrine of limited war translated in the real world into seeming endless conflict. The fear of escalating to victory guaranteed us at best a stalemate of continuing war.

There are many people who would agree with the foregoing analysis. However, demoralization has taken its toll and there are, it would seem, few who would advocate the course of action which I do based on the identification of the major factor in United States conduct which has protracted the conflict. Many have come to the conclusion that because we have not as yet won the war, the war is unwinnable.

Since the war has continued due to enemy intransigence and our reluctance to use the military force necessary to bring the war to an end consonant with our continuing goal of maintaining a non-Communist Southeast Asia it is my suggestion that we take the military action necessary to deny the enemy his capability to continue fighting. The best way to end the war, and not just our participation in the war, in a manner consonant with long range United States security interests, the well being of the people of Southeast Asia, and the best assurances of repatriating the American servicemen who have been in enemy hands for so many years, is to win it.

It is not too late for victory. As far as I am aware the enemy has not substantially increased his military strength to the point where he could successfully resist the swift and determined application of our forces. Many military authorities have suggested that a simple naval blockade of Haiphong Harbor would critically degrade the enemy's ability to maintain his large forces in neighboring territory. The President has stated that over 80% of the enemies military supplies are coming in through this port of entry. Denying the enemy this portion of his military equipment would certainly radically lower his capability to wage war. Those who contend it would not have to show that the North Vietnamese armies can do just as well without 80% of their supplies. This would be a remarkable army.

It might also be necessary to sever the railroad lines coming into North Vietnam from Communist China. It is well within our capability to permanently close these avenues of input, using the correct bombing techniques.

In any case it is not really a question of the tactical aspects of achieving victory which need concern us. Everyone must know that we have the capability to eliminate the North Vietnamese Communist's capability to continue the war. It is a matter of will. It is a matter of setting the strategic objective. It is a matter of understanding the surest and most efficient and, in the long run, most humane way to our object.

Toward this end I introduced House Joint Resolution 71 at the beginning of this session. This resolution gives the North Vietnamese Communists thirty days in which to release all the American Servicemen they hold and begin the large scale withdrawal of their armies from the territory of their neighbors or find themselves officially at war with the United States.

This approach notifies the North Vietnamese Communists that unless they rapidly desist from their efforts to impose their will upon adjacent non-Communist nations the United States will remove the means necessary for them to carry on aggressive war. It gives them the choice of either bringing their behavior back in accord with basic norms common to all civilized men or having others determine their future behavior for them.

The first option of victory has never lost its validity. It remains the one course of action open to the United States which ends the war in Southeast Asia in the shortest possible time while at the same time achieving those objectives which are of the most vital importance for the future of our nation and those other nations whose very existence depends on the manner in which the war is resolved.

It is too late to cut and run. It is too late to lose. It is not, however, too late to win.



STATEMENT OF HON. JOHN F. SEIBERLING A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF OHIO

Mr. Chairman: I welcome this opportunity to submit my views on America's military involvement in Indochina to this distinguished subcommittee.

I have cosponsored several bills being considered by this subcommittee today, including the Vietnam Disengagement Act of 1971 to achieve a total withdrawal by December 31, 1971 (HR 4103), and the proposal for proportional repatriation of American prisoners of war and American troops (H. Con Res. 212), and I want to urge the subcommittee to give favorable consideration to these proposals.

But above all, I want to express my deep disappointment that today our nation's military involvement in Vietnam continues—unchecked by any amendment or resolution of Congress, with no specific date for its end likely to be set in the near future.

At this point, after seven years of fighting in an undeclared war, I think Americans have every right to expect our nation's military involvement in Vietnam to be ended. By now our troops should be out of Southeast Asia; American prisoners should be home; this war—as far as direct American involvement is concerned—should be history. But it is not.

This war has never ceased to shock and disturb Americans. The language of the war alone is enough to disturb us—words like napalm, body count, anti-personnel bombs, free-fire zones, forced evacuation, defoliation. We have come to understand the meaning of these terms not simply in the technical sense but in the human sense. What they add up to is a policy of making war against the entire people of South Vietnam, and to some extent the people of Laos and Cambodia.

Beyond the language, there are the actual events. Over the last two years the list of tragedies resulting from this war seems endless: Mylai, Cambodia, Kent State, Laos, the Calley Trial, one tragic event after another.

If any of us, however, still have illusions about the nature and purpose of our nation's involvement in Vietnam, the revelations contained in the McNamara study ought to dispel them forever.

I am certain that this subcommittee is aware of the contents of this study which the New York Times began to publish on Sunday, June 13. It is a mammoth study, and all of it has not been reprinted, but I have seen enough to convince me what many have suspected all along: that the previous Administration deliberately misled Congress and the public. President Johnson talked peace in public while secretly he made plans to wage war.

I believe this is a serious indictment of our government, and Congress should not dismiss it as ancient history. Unfortunately, much of what is revealed in the Pentagon study still has relevance today.

I would point out, as others have, one excerpt from the accompanying article in the Times that appeared with the documents reprinted Sunday, June 13.

The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese than for what it meant to the position of the United States in the world.

Mr. McNaughton would later capsule this perception in a memorandum to Mr. McNamara seeking to apportion American aims in South Vietnam:

70% to avoid a humiliating U.S. defeat (to our reputation as guarantor)

20% to keep SVN (and then adjacent) territory from Chinese hands

10% to permit the people of South Vietnam to enjoy a better, freer way of life.

I am not convinced that our government's goals outlined above have changed at all in the last three years, despite the present policy of phased, gradual withdrawal. Although it has finally accepted the fact that it is not possible to win this war, the present Administration is still trying to prevent the North Vietnamese from winning.

This is why the President has withdrawn our troops so slowly. The same tragically misguided reasoning that in 1964 convinced President Johnson to escalate the war is still at work pressuring President Nixon not to withdraw completely.

The argument, reflected in Mr. McNaughton's list of aims in South Vietnam, emanates from those in the Pentagon and the Administration who insist that a defeat in Vietnam will humiliate us throughout the world.

It is incredible that our government still clings to this argument. At this point, win or lose, we stand to be humiliated for the way we have acted in Indochina.

What is being tested now is not our nation's resolve but its common sense. Our nation's continued military presence in Vietnam makes no sense. The American people now know it, and the rest of the world knows it.

Yet, the President persists in his zig-zag policy of withdrawing American men but expanding the geographical scope and the intensity of the war, and some members of Congress continue to express optimism and faith that the President is doing his best. I wish very much I could share their sense of trust, but I believe we are still being misled. Congress still is not being told in the most honest and straightforward way possible what exactly the President's intentions are in Vietnam, nor are the American people being told all the facts.

The President not only refuses to tell us when he intends to end our involvement, but he even refuses to answer more specific questions from a member of his own party. Rep. Paul McCloskey still is seeking from the Administration answers to three questions all Americans have a right to know.

- (1) The number of amputee casualties in Vietnam.
- (2) The number of deaths from the overuse of drugs in Vietnam.
- (3) The number of Laotian villages destroyed by Air Force bombings.

The Administration, it seems, fears that the revelation of such figures would put added pressure on the President to withdraw more quickly—something the President would not have to fear if a total withdrawal was his first priority in Vietnam.

However, this is not his first priority; nor is the release of American prisoners his first priority. The Administration has used the American POW's politically as a smokescreen to conceal the fact that it has other reasons for staying in Vietnam besides insuring their release.

Clearly the Administration wants above all to maintain some hold politically on the government of South Vietnam. Indeed it would rather accept the risks involved in continuing American involvement than risk seeing the Saigon regime fall and be replaced by a government less dependent on American support.

If insuring the release of all American prisoners was really so important to the Administration, it would pursue a policy much different than it is now following.

Senator Mike Mansfield, former Secretary of Defense Clark Clifford and others have suggested reasonable options to current policy. Their suggestions would much more likely lead to release of American POW's and a safe return of our troops. They have suggested, and I agree, that the American government should inform the North Vietnamese that on a certain date we will withdraw all our troops in return for a release of all American prisoners.

I do not suggest that this would happen all at once. It could take place over several months during which, on dates determined beforehand, we would withdraw some troops and they would release some prisoners.

This policy makes sense to me, much more sense than our current policy of propping up the corrupt Thieu regime in Saigon and continuing our military presence in South Vietnam.

Finally, this committee has the authority to recommend legislation that would help the President end this war, that would enable him to overcome the pressures that his predecessor was not capable of overcoming.

I, for one, do not minimize those pressures even now when our policy of partial withdrawal appears irreversible and when more than 200,000 troops have returned home. I would remind my colleagues that three years after the President said he had a plan to end the war a quarter of a million Americans still remain in Vietnam; our forces continue to be killed and maimed; B-52s continue to devastate the countryside; thousands of civilians continue to die and to suffer terribly as a result of American military actions.

Perhaps the greatest irony of all is that we still hear talk from the Administration of achieving peace with honor. Indeed under the cloak of "peace with honor," the President apparently intends to keep at least some American ground forces in Vietnam indefinitely; he certainly intends to keep American air forces in operation there.

I would suggest respectfully that after all that has happened in the last seven years the only honorable option we have left in Southeast Asia is to help stop the killing, to help end the war, in short, to leave—and leave now.

STATEMENT OF HON. DICK SHOUP, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF MONTANA

Mr. Chairman, I am Dick Shoup, United States Representative of the first district of Montana.

The events of the last week, particularly the publication by leading newspapers of classified documents on the origins of U.S. involvement in Vietnam, have once again generated intense criticism of President Nixon's Vietnam policy. I will not dwell on these documents except to say that they do not, in my opinion, reflect adversely on President Nixon's Vietnamization policy, which I support. Since President Nixon took office, the United States has successfully implemented a policy of ordered troop withdrawal coupled with the upgrading of South Vietnamese military capabilities. While one may be able to criticize some elements of his policy, no one, I believe, can deny that the situation in South Vietnam today is far better than it was in January 1969. The level of violence has decreased appreciably, and successful pacification has brought a high level of security to nearly every hamlet in the country. The Vietcong, while still a major political force in the war, is no longer a major military factor. South Vietnam is beginning to experience a revival of economic activity that has so long been suppressed by the war.

All this has occurred while American forces have withdrawn at a steady rate from the war. From a level of more than 540,000 in June 1969, U.S. troop strength has declined to a little over 240,000 today. President Nixon has kept every promise he has made concerning troop withdrawals, and Secretary Laird stated last March that future withdrawals would continue at the current rate if not higher. From the past record on troop withdrawals, there is no basis to doubt the Secretary.

I urge the Congress to continue to support the President's policy. I would be the first to urge and vote for a deadline for total troop withdrawal if the President had reneged on his troop withdrawal promises or if South Vietnam were still in the chaotic situation of 1968. But South Vietnam, I believe, now has a reasonable chance of maintaining its independence if the President is allowed to carry through his Vietnamization program to its completion.

Congressional imposition of a withdrawal deadline six months or nine months from now would place the immense burden of this war totally upon South Vietnam. The Vietnamization program would have to be scrapped. Hasty and uncertain measures would have to be undertaken in place of it. The Government and people of South Vietnam would confront, alone and all at once, the completion of the enormous tasks of creating a stable society, promoting economic and social reform, fighting an internal guerrilla war, and defending their nation from invasion on three frontiers. Vietnamization has enabled South Vietnam to make significant strides toward successfully coping with these problems. Allowing the President to complete his program will ensure that South Vietnam has the best possible chance to finish the job.

If Congress imposes a withdrawal deadline, there is no doubt in my mind that after U.S. troops are gone, North and South Vietnam would then come to grips in a climactic military struggle. I strongly disagree with those who argue that a deadline would force South Vietnam to negotiate with North Vietnam and induce North Vietnam to negotiate by displaying our good faith. The Communists have refused every South Vietnam offer to merely talk in private and exchange views away from the glare of publicity. Their basic gives ample reminder of how the Communists collect their blood debts.

The prisoner of war issue is, of course, the most tragic aspect of the Vietnam situation. It is unfortunate that it had become tangled up in the military and political issues of the war. Nevertheless, it is: and I will comment on it in that context. The Administration and its critics are in basic disagreement over North Vietnam's terms for the release of their American prisoners. The critics contend that if the United States sets a deadline for the withdrawal of all U.S. troops from Vietnam, North Vietnam and the NLF will move rapidly to release American prisoners. The critics cite Communist statements in Paris to visiting U.S. Congressmen that there will be no problem in speedily negotiating a release of the prisoners once the United States announces a deadline. The Communists have pointed out to these visitors that North Vietnam quickly released French prisoners of war following the 1954 Geneva settlement.

The Administration contends that once the United States sets a deadline, North Vietnam will demand more concessions in the subsequent negotiations on prisoner release. Crosby Noyes cited a White House study paper in his column in the May



18 *Washington Star*, which concludes that "more than a troop withdrawal deadline is required in order to free the prisoners of war." According to Noyes, the study goes on to say:

While the Communists are ready to discuss if the United States sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will actually be freed.

The study continues:

This would involve not only a deadline, but also the establishment of a provisional coalition government (in Saigon) and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communists side can be expected to extract the highest possible price for a prisoner release.

The critics and the Administration have a legitimate disagreement, given the vagueness of the Communist position. Consider *Washington Post* reporter Chalmers Roberts' recent interview with North Vietnam's chief Paris negotiator Xuan Thuy. Roberts asked Xuan Thuy point blank whether "as a condition for prisoner release there must be no such continuing military and economic aid?" Xuan Thuy, according to Roberts, "avoided a direct answer" and referred to the Communist peace proposal of September 1970. Subsequently Roberts and his employer, the *Washington Post*, gave decidedly different interpretations to Xuan Thuy's answer. The *Post* stated in a June 11 editorial:

Furthermore, since it appears that Hanoi is prepared under certain conditions to let Thieu stay in office and to have Thieu receive American military and economic aid, then it means Mr. Nixon could set a withdrawal date without doing what he has always said he will never do—bug out on Thieu.

Roberts drew a quite different conclusion in his article of June 10:

But the core of the Hanoi's position became much clearer when the question got around to the political issues. When came out was that Hanoi wants movement here, not just on troop withdrawal, and that Hanoi will try hard to win some political concessions from Washington in any package involving troop withdrawal and prisoner release.

Roberts went on to say:

Hence it was evident from Thuy's responses that he wants a deal that will not only send home all American forces having anything to do with prosecution of the war, but will also leave the Saigon regime totally on its own. That means no U.S. military and economic aid to Saigon to sustain it in the struggle with the Communists and other opponents in the South after the American pullout.

As of now, no one can be absolutely certain which side is correctly interpreting the Communist position. Because of this, it is very wrong for the critics to argue, as some have done, that the President's position has no conceivable validity. Indeed, there are strong arguments to support his case. Words that mean one thing to Americans may mean something very different to the North Vietnamese. Communist proposals at Paris have been phrased so that they could have varied meanings, depending on one's overall viewpoint. Recent North Vietnamese statements to visiting American Congressmen are obviously intended to put the Communist position in the best light without firmly committing Hanoi and the NLF to release American prisoners.

Consider, again, the Xuan Thuy interview. Xuan Thuy referred to the NLF's eight point proposal of September 1970 in answer to Roberts' question concerning prisoner release and U.S. military and economic aid to South Vietnam. On June 10 North Vietnamese press spokesman Nguyen Thanh Lee referred to the first point of this proposal. In reading point number one, I find that it begins by demanding:

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, totally withdraw from South Vietnam, troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam.

If the Communists apply this definition to "troop withdrawal" in relation to the POW issue, then it is clear that they in fact expect the United States to

end all forms of involvement in Vietnam, including military and economic assistance, as a price for prisoner release. The White House study, according to Crosby Noyes, quotes Nguyen Thanh Le as saying at a Paris tea party on April 21 that:

I would like to add that with regard to the question of American prisoners of war, I think that if the United States put forward a deadline for the total withdrawal of its troops and *ends the war of aggression*. I believe . . . that . . . there will be no difficulties just as towards the French in the past.

This statement, if correct, would also support the White House; for the Communists have in the past included all forms of U.S. involvement in Vietnam under the label of "war of aggression." Once again, one must be acutely aware of the true Communist meaning of such phrases as war of aggression, coalition government, and troop withdrawal.

In the past, the Communists have held out other false hopes to the American people. In looking at North Vietnamese and NLF statements before the November 1968 bombing halt, one finds the Communists offering all sorts of expectations of an early peace if the United States stopped the bombing. For example, on September 18, 1968, Xuan Thuy told the 22nd negotiating session at Paris that a bomb halt was "a first step opening the way to move toward a peaceful solution on the basis of respect for the fundamental rights of the Vietnamese people." On October 22, 1968, the NLF press agency reiterated Hanoi's demand for a total and unconditional suspension of the air attacks and stated:

"Only when the United States complies with that demand can the Paris talks make headway."

Xuan Thuy declared two days later that if the United States stopped the bombing "there will be new prospects." On October 27, Radio Hanoi asserted:

The United States must do this as the required first step to create conditions leading to a correct settlement of the Vietnam War.

Xuan Thuy sweetened the bait a little more when he told the 28th negotiating session on October 30 that an end to the bombing "would enable the early discussion of other questions of interest to both parties so as to gradually find out a just political settlement of the Vietnam problem." Note that in return for a substantive American concession, Xuan Thuy promised discussions. And on November 2, after President Johnson's announcement, Xuan Thuy said that the goal of the conference was "to discuss a solution to the problems of peace in Vietnam."

Since then, the American people have learned the phoniness of Communist promises of new prospects and discussions. The scenario at Paris since October 1968 has continued to be Communist demands for American concessions in return for veiled promises of peace, while at the same time North Vietnam and the NLF tirelessly repeat their six year old demands for a total U.S. withdrawal and an NLF-dominated coalition government. Can it be any wonder then, that some people genuinely doubt North Vietnam's honesty when it, once again, offers "discussions" on the prisoner of war question in return for a U.S. withdrawal under a deadline.

North Vietnam's record on prisoner release after the Geneva Agreement of 1954 does not totally support the prevailing notion of Communist sincerity today, despite what the critics say. Bernard Fall tells us in his book *Street Without Joy* that out of 36,979 French Union soldiers listed as missing, North Vietnam returned only 10,754. Hanoi has never accounted for the remaining 26,000, except to claim that some of the Vietnamese prisoners joined the Vietminh. Moreover, in December, in December 1954, Eastern European exile groups in Western Europe claimed that the Vietminh had not returned 1,000 French Foreign Legionnaire prisoners of Eastern European origin but had instead forcibly shipped them back to their Communist homelands in East Europe. According to the Congressional Research Service, the French Embassy in Washington has informed CRS that the charge is at least partially true. So once again, we have evidence of Hanoi's past perfidy.

It has been proposed by Clark Clifford and others that the United States set a deadline for total troop withdrawal but condition it on the release of American prisoners; in other words, test Hanoi and the NLF. In response to this, I would point out what I consider to be a very possible scenario should the United States adopt this strategy. The United States sets a deadline. The Communists demand additional concessions in the discussions that follow, including an end to all forms of U.S. involvement in Vietnam—meaning a halt to all military and economic assistance to South Vietnam. Some elements among the American

critics begin demanding that the United States make these additional concessions or else withdraw our troops under the deadline. They might argue that such additional steps were necessary to secure a prisoner release. I do not wish to impugn the motives of the critics, but this scenario appears to me a distinct possibility. True, critics such as the *Washington Post* and columnist Joseph Kraft contend that the critics would never advocate leaving South Vietnam completely in the lurch by cutting off all aid. The *Post*, for example, stated in a June 11 editorial that:

It is simply false to charge that the critics would do nothing at all to help South Vietnam after we have disengaged militarily from the Thieu regime. But knowing that in South Vietnam the United States has created a governmental and military machine that cannot conceivably operate without American aid, they are prepared to countenance that aid.

In looking at the *Post's* statement, we should remember that this newspaper switched its positions before—from strong supporter of Administration policy in 1968 to strong opponent in 1969. Who is to say that it won't happen again. Moreover, the *Post* doesn't speak for all of the critics. Many leading critics in Congress, have not committed themselves on the issue of continued military and economic aid to Saigon after American troops are withdrawn. The critics have leveled such vicious attacks at the Saigon government that I have serious doubts whether they will support military and economic assistance to South Vietnam in the long run.

Let us remember, too, that the major slogan of the April 24 anti-war demonstration in Washington was "Out Now"—not "Out When the Prisoners Are Released." If the President sets a deadline or if Congress imposes one on him, the demand to meet it might become so intense that the prisoner issue will be disregarded.

In looking at the history of criticism of both the Johnson and Nixon Administration's policies, I am struck by a thread that runs through all of it. The critics have contended time and time again that by making a concession, the United States would induce North Vietnam to take a more reasonable and conciliatory negotiating position. They asked for a bomb halt on this basis. The bombing was suspended. They next said that the Allied refusal to negotiate with the NLF was a major roadblock to a settlement of the war. The Allies agreed to negotiate with the Front. Demands for a cease-fire proposal arose among the critics in 1970. President Nixon proposed one last October 7. And now they argue that total troop withdrawal under a fixed deadline will produce reasonableness on Hanoi's part. Perhaps they are correct this time, but history does not make me optimistic.

Some critics contend that prisoners of war are not returned until the end of the conflict; therefore we should end our involvement by setting a deadline. Nothing could be further from the truth. Prisoners of war have been exchanged during wartime on many occasions. According to a Congressional Research Service study, prisoner exchanges during World War I began in 1916 and included the exchange of 160,000 French, British and German troops in May 1918. The same report states that during World War II, Britain, the United States, and Germany reached an agreement in 1943 to exchange disabled prisoners. Under it, 13,500 Allied POW's and 21,000 Germans were exchanged before the end of the war. In 1953, several months before the Korean armistice, the United Nations and the Communists reached agreement on Operation "Little Switch"; and during April and May 1953, 6,670 Communists were exchanged for 684 members of the U. N. forces, including 149 Americans. Thus, it is North Vietnam's attitude and not prior wartime practice, which prevents the exchange of prisoners.

If Congress imposes a troop withdrawal deadline on President Nixon and North Vietnam responds by demanding the additional concessions, which I have discussed, the United States will have foolishly thrown away another trump card in the negotiations. We will then be left with the dilemma of either ending all support to South Vietnam or seeing our men remain in their tragic captivity. Let there be no mistake that acceptance of a North Vietnam demand to end all forms of aid to South Vietnam, while Hanoi continues to receive about \$1 billion annually from the Soviet Union and China, would be nothing less than total capitulation. This has been North Vietnam's ultimate demand from the beginning and, unfortunately, Hanoi may get it unless the United States remains steadfast in its insistence that North Vietnam give a flat and firm commitment to release American prisoners in exchange for a troop withdrawal. By refusing to impose a deadline on the President from slipping into this cruel dilemma. It will also enable him to complete the Vietnamization program and end U.S. involvement honorably. I urge the House to adopt this course.



STATEMENT OF HON. AL ULLMAN, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF OREGON

Mr. Chairman and members of the subcommittee, I want to thank you for the opportunity you have given me to express my views for the record in regard to the Indochina War and the role of the United States as a combatant in that struggle.

I also feel the committee should know that the general tenor of my remarks is not something resulting from any sudden realization that more than 50,000 Americans have died in that war, or in conciliation for any demonstrators whose anti-war zeal has carried them beyond the pale of lawful dissent, or as a recent realization that thousands of prisoners of war are languishing in foreign prison camps. What I intend to say is something I have considered and reconsidered for a long time, and in any case the war has clung to our backs relentlessly for so long that it is hardly possible any more for anyone to react in the white heat of sudden anger. I first expressed my disapproval of the war publicly in 1967. Since that time I have continued to voice and act out my opposition to the war in ways I felt were consonant with my position and my responsibilities to the country and to the people of Oregon. As recently as last week I voted for the amendment proposed by our colleagues, Mr. Whalen and Mr. Nedzi, to limit through the military procurement bill the expenditure of any new funds to support that war after January 1.

The very fact this committee has convened to hear testimony on the war is, of course, evidence that others have also been and are now as concerned with the issues I have attempted to define and clarify in my own mind.

It would, in the context of these hearings, be possible to open for debate some abstract questions of U.S. foreign policy. It would be within the committee's scope to discuss what's known as the Nixon Doctrine, or to debate the propensity with which the U.S. government has supported numerous foreign governments of all kinds merely because they appear to be anti-communist. These issues apply now and will continue to apply to Asian and Pacific affairs. But, I submit, there are two issues with which this committee should primarily concern itself.

The first is the extent to which Congress has abdicated its responsibilities and rights under the constitution to declare war and to appropriate funds to conduct warfare. Congress has, in fact, waived its rights and responsibilities by conscious decisions. There is no better example of that than last week's debate on the House floor. Never before in the history of our government has it been necessary to ask Members of Congress to oppose funding an undeclared war in not one but four countries.

Members of Congress like to blame their inability to grasp the essence of the Indochina issue by calling the war a "President's war". No doubt, it is a president's war. Other issues aside, the recent stories in the New York Times, taken from a report this committee has yet to see, only serve to underscore that concept. But calling this a "president's war" does not abnegate the responsibilities of Congress. In fact, it only illustrates how completely Congress has capitulated in its constitutional mandate. Furthermore, until Congress faces its responsibilities and enacts appropriate legislation, this war will remain in the domain of the executive.

That brings me to the second—and overriding—issue I feel this committee should concentrate on: how Congress can end U.S. involvement in the war. We have discharged our commitments to South Vietnam beyond what was expected of us. Now it is time to get out, and obviously the only way we will get American troops out of Vietnam is not to keep or send them there. Withdrawing our troops will provide us a truly credible vehicle through which to demand the return of our prisoners of war. Continuing to maintain troops in Vietnam only prolongs the agony of our prisoners of war and provides an opportunity for more to be captured.

Very simply, if Congress continues to abstain from concrete action, the war will remain a president's war, subject to pressures on the administration and the vagaries of the battlefield. These are not things calculated to effect a prompt and negotiable withdrawal, nor will they relieve the economic and moral agony the war has imposed on our country.

It is my hope, therefore, that this subcommittee will report out promptly legislation designed to end our involvement in Vietnam on a specific and not-too-distant date.

Congress did not start this war. But Congress can end this war, and by doing so it can also restate clearly the constitutional mandate it has so long and so patently ignored.

Thank you.

BOSTON PUBLIC LIBRARY



3 9999 05706 6019





